THE

CABINET CYCLOPÆDIA.

London:
Printed by A. Spottiswoode,
New-Street-Square.

THE

CABINET CYCLOPÆDIA.

CONDUCTED BY THE

REV. DIONYSIUS LARDNER, LL.D. F.R.S. L. & E.

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ASSISTED BY

EMINENT LITERARY AND SCIENTIFIC MEN.

Biography.

EMINENT BRITISH STATESMEN.

VOL. III.

BY JOHN FORSTER, ESQ.

OF THE INNER TEMPLE.

LONDON:

PRINTED FOR

LONGMAN, REES, ORME, BROWN, GREEN, & LONGMAN,

PATERNOSTER-ROW,

AND JOHN TAYLOR,

UPPER GOWER STREET.

1837.



CONTENTS.

LIVES

OF

EMINENT BRITISH STATESMEN.

JOHN PYM.

1584—1643.

John Pym, the son of a Somersetshire "esquire," was born at Brymore, in his father's county, in the year 1584. His family, though described by Clarendon as of a "private quality and condition of life [1]," were rich and of very old descent; his mother was afterwards Lady Rous [2]; and this boy, the only issue of her first marriage [3], was sent, in the beginning of the year 1599, to Broadgates Hall, now Pembroke College, Oxford, where he entered as a gentleman commoner.[4] Here he made himself remarkable not only by quick natural talents, but by a sleepless and unwearied pursuit of every study he took in hand. Lord Clarendon has indulged a sneer at his "parts," as having been "rather acquired by industry than supplied by nature or adorned by art [5];" but we have it on the better authority of Anthony à Wood, that Pym's lighter

[1] Clarendon's History, vol. iv. (Oxford edition of 1826.) p. 437.

[2] See the dedication to the sermon delivered at the funeral of this lady, among the pamphlets at the British Museum.

[3] The dedication in the sermon I have just referred to, evidently restricts her issue by Mr. Pym, to the great subject of this memoir.

[4] "In the year of his age," says Anthony à Wood, "fifteen, being then, or soon after, put under the tuition of Degory Whear."

[5] Clarendon's History, vol. iv. (Oxford edition 1826.) p. 437.

accomplishments of literature, no less than his great learning and "pregnant parts," were admired in the university. "Charles Fitz-Geoffry, the poet, styled the said Pym, in 1601, *Phœbi deliciæ—Lepos puelli*."[1]

It is stated in some of the histories that, on leaving Oxford, Pym entered one of the inns of court, with a view to the bar; but it is difficult to find good authority for this.[2] He was throughout life, however, remarkable for his thorough knowledge of the laws; and no doubt he studied them, at this time, with the almost certain expectation of being called upon, at no distant day, to serve in parliament by the side of that great party, who had already, by no unequivocal signs of their power and resolution, startled the misgoverned people into hope. He had certainly, even thus early, attracted the attention of the great Whig nobleman of the day, the earl of Bedford; and to his influence, it is probable, he owed that appointment to a responsible office in the Exchequer, in which, according to lord Clarendon, many after years of his youth were passed, and where, it is to be supposed, he acquired the knowledge and habits of business, and great financial skill, which, scarcely less than his genius for popular government, distinguished him through the long course of his public life.

In the parliamentary returns of the year 1614, the name of "John Pym" is to be found, as member for the borough of Calne.[3] These were the returns of that "addle" parliament, which has been before described[4], and which, "meeting according to their summons, such faces appeared there as made the court droop[5];"—among the new faces were those of Pym and Wentworth.

Upon the precipitate dissolution of this parliament, after a sitting of two months, several of the more for-

[1] Wood's Ath. Oxon. Ed. Bliss. vol. iii. p. 73.

[2] Anthony à Wood merely says,—'Before he (Pym) took a degree, he left the university, and went, *as I conceive*, to one of the inns of court."

[3] It has been incorrectly stated that Pym first sat as member for Tavistock; he did not sit for the latter borough till some years after. It was the same influence, however, which returned him for both places.

[4] Life of Strafford, p. 196, 197.

[5] Wilson—in Kennet, vol. ii. p. 696.

ward members were called before the council and committed to the Tower. If Rushworth is correct in saying that Pym was twice imprisoned in the reign of James, it may reasonably be supposed that he was one of those committed on the present occasion.[1] It is certain that he at once took an active share[2] in the measures of the opposition, and the "maiden speech" of such an accession to the popular party is not unlikely to have been rewarded by a warrant from the council-table.

About this time Pym married Anna, the daughter of John Hooker, esquire, a country gentleman of Somersetshire. For the next six years his name is not to be found in connection with public affairs. These years were probably passed in retirement, where the mind does not find it difficult to imagine him, strengthening himself, in the calmness of domestic quiet, for the absolute devotion of his great faculties and deep affections to that old cause which was now again, not dimly, dawning upon the world.

In the year 1620, the wife of Pym died. The private memorials of this great man are too rare, and obtained with the cost of too much labour, to be thought unworthy of the reader's attention, however scanty they may be. What I shall now quote gives a grateful sketch of the character of this lady, on the authority of an excellent and accomplished man. The year in which she died witnessed also the death of Philippa, lady Rous, Pym's mother; and on the occasion of the funeral of of lady Rous, a sermon was delivered by the famous Charles Fitz-Geoffry[3], which, on its subsequent publication, he dedicated to Pym.

[1] In the Reliquiæ Wottonianæ (p. 443) some of the "refractory" members so committed are characteristically described:—1st, Sir Walter Chute "who, to get the opinion of a bold man after he had lost that of a wise, fell one morning into an insipid and unseasonable declamation against the times;" 2d, John Hoskins, who "is in for more wit, and for licentiousness baptised freedom;" 3d, Wentworth, a lawyer, "whose fault was, the application of certain texts in Ezekiel and Daniel, to the matter of impositions;" and, 4th, Christopher Nevil, "a young gentleman fresh from the schools, who having gathered together divers Latin sentences against kings, bound them up in a long speech." These are the only names specified, but it is known that upwards of ten men were committed.

[2] See the Journals.

[3] For curious notices of this writer see Wood's Ath. Oxon. vol. ii. p. 607.—

"I present you here," he writes in this dedication, "with that whereat you could not be present, your dearest mother's funerall, — a labour I could willingly have spared, if God had been so pleased. But seeing the great Disposer hath otherwise decreed, I gladly publish what I sorrowfully preached. Neither will I use that triviall apology for this publication — the importunitie of friends. I confess mine ambition to divulge my observance of that house to which I owe my best endeavours. . . . . What the religious cares of others received with some comfort, I here offer to your judicious eye; that as you are interested in the same sorrows, so you may be partaker of the same comforts. Poor, I confesse, are these of mine to those rich ones which the rare gifts of nature and grace afford to yourselfe; yet herein I would have you symbolize with the great ones of this world, who, although they possess whole cities and kingdoms, will yet accept an offer of a few acres."

"You may well take up," Fitz-Geoffry continues to Pym, "the complaint of the pathetical prophet — 'I am the man that have seen affliction:' a great affliction, first, in being deprived of a most loving, holy, helpfull wife; whose learning rare in that sex, whose virtues rarer in this age, whose religion the rarest ornament of all the rest, could not choose but level the sorrow of losing her with the former comfort of enjoying her. This crosse is now seconded with the losse of a dear mother, and such a mother as was worthy that sonne, who was worthy such a wife. With the prophet's complaynt I

Mere's Wit's Commonwealth, part ii — and Censura Literaria. He was thought a "high towering falcon" in poetry, on the strength of a really fine and loftily written account, in Latin verse, of the life, and actions of Sir Francis Drake. His minor compositions are touched with grace and feeling. I cannot resist concluding this note with the following quaint lines by Hayman, ingeniously descriptive of a personal defect of Fitz-Geoffry's:—

Blind poet Homer you do equalise,
Though he saw more with none than with most eyes.
Our Geoffry Chaucer, who wrote quaintly neat,
In verse you match, equal him in conceit:
Featured you are like Homer in one eye,
Rightly surnamed the son of Geoffry.

doubt not but you also take up his comfort — 'It is good for a man that he beare the yoke in his youth.'"

"I have fairly gayned by this publication," the writer concludes, "if hereby you take notice of my thankfulnesse to yourselfe; the world of my serviceablenesse to my patron. If God shall conferre a farther blessing (as commonly he doth in all good attempts) that as some received comfort in hearing, so many may be edified by reading these my weake endeavours: this I shall esteeme my happinesse. In this hope, bequeathing the successe to him who is able to doe above all that we can doe or thinke, yourselfe to his chiefest blessing, my best affections to your worthy selfe, — remaineth yours in all love and duty. CHARLES FITZ-GEOFFRY."[1]

[1] Death's Sermon unto the living, delivered at the funeral of the religious lady Philippa. 4to. 1620. From the sermon itself one or two points, touching on the personal characteristics of Pym's mother, will be thought worth extracting. "Expect not," says the preacher, "that I should speake of her ancestors, and make that the beginning of her prayse, which is rather the prayse of others." From the following it is evident that the first husband of lady Philippa, the father of Pym, must have died very soon after Pym's birth. She is spoken of as "A comfortable helper to her loving husband (her second husband), and no small support of so great a house *for more than thirtie years' continuance*, — and an especiall ornament unto hospitalitie, the long-continued praise of that house." One of the concluding passages of the sermon is eloquently descriptive of this excellent woman: — "She, who not long sithence came cheerfully unto this place on the Lord's day (as her godly manner was) hath caused us mournfully to repayre hither on this day. She who used to come in her coach, is now carried in a coffin. She who used to heare attentively and look steadfastly on the preacher, is here now (so much of her as remaineth) but can neither see nor hear the preacher, but in silence preacheth to the preacher himself, and to every hearer and beholder, that this is the end of all men. And by her own example (which is the life of preaching) she confirmeth the doctrine, that neither arms nor scutcheons, nor greatness of state, nor godliness of life, nor gifts of mind, nor sobriety of diet, nor art of physicke, nor husband's care, cost, nor diligence of attendants, nor children's tears, nor sighs of servants, nor prayers of the church, can except us from that common condition; for if they could, we had not seen this great and sad assembly here this day."

Worthily, from the bosom of such a mother, can we imagine young Pym instructed to the great achievements of his after life! "The boy," says our great poet Wordsworth, "is father to the man," so also, anticipating Wordsworth, Charles Fitz-Geoffry said in this very sermon. The passage is quaint and curious, but pregnant with meaning. Speaking from the text of death, he suddenly breaks forth thus — "*For that is the end of all men.* Man is, as it were, a book; his birth is the title-page, his baptism, the epistle dedicatory, his groans and crying, the epistle to the reader, *his infancie and childhood, the argument or contents of the whole ensuing treatise*; his life and actions, the subject, his crimes and errors, the faults escaped, his repentance, the connection. Now there are some large volumes in folio, some little ones in sixteens, some are fayrer bound, some playner; some in strong vellum, some in thin paper, some whose subject is piety and godliness, some (and too many such) pamphlets of wantonesse

Pym was now left with five youug children, two sons and three daughters [1]; and he did not marry again. "What he was from that moment," says a learned contemporary divine, Dr. Stephen Marshall, "was only for the public good; in and for this he lived — in and by this he died. It was his meat and drink; his work, his exercise, his recreation, his pleasure, his ambition; his ALL." Such enthusiastic expressions may justly describe his general course of life thenceforward; though the reader will be careful not to construe them too literally. Pym never was a candidate for the honours of asceticism: he required something besides an impeachment to dine upon, and was not content with supping off a religious committee: nor ever, it must be added, did the heavy distraction of public affairs bewilder him from that affectionate care towards his children, which is observed upon by many of those who were about him, and which was afterwards richly recompensed. In this respect he was more fortunate than his friend Eliot. His second son, Charles, afterwards sat with him [2], a fellow-labourer, in the Long Parliament; and the name of his eldest son, John, appears in the returns of the short parliament [3], and also in the list of those gallant parliamentarians who were severely wounded at the battle of Newbury.

On the assembling of the parliament of 1620-21, Pym again took is seat for Calne. A series of truly disgraceful events [4] had filled up the interval since the

and folly; but in the last page of every one, there stands a word which is *finis*, and this is the last word in every book. Such is the life of man: some longer, some shorter, some stronger, some weaker, some fairer, some coarser, some holy, some profane, — but death comes in like finis at the last, to close up the whole, *for that is the end of all men.*"

[1] See the Perfect Diurnall, No 21. from 11th of Dec to the 18th of Dec. 1643.

[2] For the Devonshire borough of Beeralstone See the returns

[3] Which met in April, 1640 He sat for Pool, in Dorsetshire

[4] See Life of Strafford pp 201, 202 Let an intelligent foreigner describe the state of the public mind during the progress of these events "Consider, for pity's sake," runs one of Count Harley de Beaumont's reports, "what must be the state and condition of a prince, whom the preachers publicly from the pulpit assail; whom the comedians of the metropolis covertly bring upon the stage; whose wife attends these representations in order to enjoy the laugh against her husband, whom the parliament braves and despises, and who is universally hated by the whole people." Let me complete the picture by referring the reader to authorities at p. 202. of my former volume.

last dissolution; but one of these events had been attended with a great result in attaching sir Edward Coke to the popular party. Hampden also in this year first entered the House of Commons; and, in the preparations for the session, we observe the first formation of the system of parliamentary party which has brought such great results, for good and ill, in England. The men who were foremost in opposition to the court, whether in or out of the House of Commons, held constant meetings at the house of the great antiquary, sir Robert Cotton, in Westminster. Here assembled, for a common purpose, the men of learning and of action — the intellectual and moral power of England. Here were the Pyms and Seldens leagued; Camden, Coke, Noy, Stowe, Spelman, Philips, Mallory, Digges, Usher, Holland, Carew, Fleetwood, and Hakewell, acknowledged a common object here. The famous library of sir Robert Cotton, now the priceless property of the nation, furnished to these meetings the precedents from which their memorable resolutions were taken; and from within its walls the statutes of the great days of England were, one by one, unrolled, and launched in succession upon the popular mind. May we not, with slight alteration, apply to it the matchless language of Milton? "Behold now that mansion-house of liberty, encompassed and surrounded with God's protection; behold that shop of war, with its anvils and hammers working, to fashion out the plates and instruments of armed justice in defence of beleaguered truth; behold the pens and heads there, sitting by studious lamps, musing, searching, revolving new notions and ideas, wherewith to present, as with their homage and their fealty, the approaching reformation!"

If the courtiers drooped, then, at the last parliament, how much more reason had they to sink down at this![1]

[1] The count Harley de Beaumont, writing from England a month before this parliament met, observes: — "Audacious language, offensive pictures, calumnious pamphlets, these usual fore-runners of civil war, are common here, and are symptoms doubly strong of the bitter temper of men's minds; because in this country men are in general better regulated, or by the good administration of justice, are more kept within the sphere of their duties.

It required all the energy and intellect of lord Bacon— who had then, just on the eve of his terrible fall, attained to the highest summit of official rank, power, and fame—to reassure and strengthen them. Never, he told the king, would he have a better chance of success with a parliament than now, if, taking advantage of the universal depression of the protestant interest abroad, he humoured the anti-catholic zeal of the popular party by asking money from them in support of a crusade to be undertaken in behalf of the interests of protestantism.[1] James could only half understand his chancellor's purpose; and in the speech to the commons on their day of meeting, having substituted his own jargon for Bacon's grave and cautious periods[2], he managed to foil it completely. What he said to them was meant to be conciliatory, but it was a feeble mixture of threats and supplications.

The commons listened coldly, and, on its conclusion, turned to the consideration of their privileges. They complained, in strong terms, of the imprisonment of the members at the close of the last parliament for their conduct in that house, and broadly asserted that to the house itself belonged alone the right of judging and punishing every breach of decorum committed within its walls. The king in vain attempted to parry this remonstrance, and was at last obliged to defer to it by a

Yet I doubt that any great action will come of it, inasmuch as the king will, in case of need, surely join the stronger party." This was correctly guessed; for most certainly, had James been in the place of Charles, the civil war would not have been. A little blustering, and he would have yielded.

[1] See Bacon's works, vol. v pp. 531, 532. Aikin's Life of James I, vol. ii. pp. 194—198. Rushworth, vol. i. p. 20, 21. Parl. History, vol. v. pp. 309—319. Lingard, vol. ix. (8vo. ed.) pp. 243—245.

[2] This expression may startle those who are acquainted with the schoolmaster tone of Bacon in addressing parliaments generally, yet a glance at his "reasons for assembling the parliament," which is drawn up with very great eloquence, will show that it is not misplaced. He observes, at its conclusion, "that in respect of so long intermission of a parliament, the times may have introduced some things fit to be reformed, either by new laws or by the moderate desires of our loving subjects dutifully intimated to us, wherein we shall ever be no less ready to give them all gracious satisfaction than their own hearts can desire." Bacon's subsequent arrogant speech to this very parliament—the haughty spirit going before a fall!—is not for an instant to be weighed against this cautious and elaborate composition.

solemn assurance that as he had already granted, so it was his intention thenceforward to maintain, that liberty of speech which was demanded by his faithful commons. Upon receiving this message, they voted two subsidies, but without tenths or fifteenths; so small a sum, in fact, that it only left the king more completely at their feet. James hereupon, with his usual clever folly, returned them thanks in the most grateful terms.[1] Though the supply was small, he preferred it, he told them, to millions, because it was so freely given; lastly, he exhorted them, in the exuberance of his cunning, to apply to the redress of the national grievances, assuring them that they would always find him ready "to do more than meet them half way."[2]

Avoiding, with quiet indifference, the royal snare thus set for them, the leaders of the house at once proposed to restrict their literal acceptation of his majesty's speech to the latter half of it only. They sent him back resolutions from their committees of inquiry, levelled against certain notorious monopolists, who had long crippled the freedom of English trade[3], and against

[1] See Roger Coke's Detection, part i p 111

[2] See the Journals of the House of Commons, p 523. Parl Hist vol. v. p 328, &c

[3] Three patent monopolies had been the especial subject of discussion in the meetings of the opposition, as abuses of the highest degree of enormity,—they were those for the licensing of inns, the licensing of hostelries, and the manufacture of gold thread, in which two notorious projectors Mompesson and Michel, were pretty generally known to be only the agents of Buckingham and his family By virtue of the two first, the patentees were enabled to exact for their licences whatever sums they pleased, and on the refusal of innkeepers or publicans to comply with their arbitrary extortions, they fined or threw them into prison at their discretion The knaveries and oppressions practised under the authority of the third patent were manifold The monopolists manufactured thread so scandalously debased with copper, that it was said to corrode the hands of the artificers and the flesh of those who wove it This adulterated article they vended at an arbitrary and exorbitant price; and if they detected any persons in making or selling a better and cheaper article, they were empowered to fine and imprison such interlopers, without law, whilst a clause in their patent protected themselves from all actions to which they would otherwise have been liable in consequence of these attacks upon the liberty and property of their fellow-subjects, and of the right of search, even in private houses, which they assumed. (Aikin's James the First, vol. ii p 207. Lingard, vol ix p 247, 248) "Others," says Hacket "remonstrated against a pack of cheaters, who procured the monopoly of gold thread, which, with their spinning, was palpably corrupted and embased These gilt flies were the bolder, because sir Edward Villiers was in their indenture of association, though not named in their patent."—*Scrinia Reserata*, p. 49.

some officers of the king's courts, by whom the administration of justice had been for some time openly polluted.[1] Of the committees from which these several charges emanated, Pym was an active and zealous promoter.[2]

The king, with every mean desire to wheedle money from the commons[3], was by this bold course startled into his old attitude of blustering arrogance; and at his elbow stood Buckingham, who, knowing too well that his brother sir Edward Villiers would be struck down along with the other state criminals now plainly aimed at by the commons, urged him at once to a dissolution; — when, from a little distance, was heard the voice of the wily Williams, then creeping slowly but very surely, up the state ladder, "Swim with the tide and you cannot be drowned. If you assist to break up this parliament, being now in pursuit of justice, only to save some cormorants, who have devoured that which must be regorged, you will pluck up a sluice which will overwhelm yourself. Delay not one day before you give sir Edward Villiers a commission for an embassage to some of the princes of Germany, or the Northlands, and despatch him over the sea before he be missed. Those empty fellows, sir Giles Mompesson and sir Francis Michel, let them be made victims to the public wrath, and cast all monopolies and patents of griping projectors, into the Dead Sea after them. I have searched

[1] Among these were Field, bishop of Landaff, sir John Bennet, judge of the prerogative court, and sir Henry Yelverton, the king's attorney, general. — See Bacon, vi. 383.

[2] In the unjustifiable proceedings against Floyde, into which the house were shortly after betrayed, I cannot discover that Pym took any active share. No doubt, however, in the melancholy religious excitement that prevailed at the time, and which was the natural result of the then invariable appearance of popery, both at home and abroad, in affinity and alliance with despotism, Pym did not resist the general feeling. I shall have many opportunities for showing, however, that he was not an intolerant man. For the circumstances of Floyde's case see the State Trials, vol. ii. p. 1159. Carte, vol. iv. pp. 78—80.

[3] In one of the despatches of Tillières, then French ambassador in London, I find a shrewd reason given for the anxiety of the court to secure, by any expedient, a supply of money from parliament. By that, the Frenchman argues, the opposition will be "kept in check;" for, he continues, "however ill inclined they appear, these grants of money which give a claim on their property, *compel them to proceed with more gentleness and rever-*- "

the signet office, and have collected almost forty, which I have hung in one bracelet and are fit for revocation Damn all these by one proclamation, that the world may see that the king, who is the pilot that sits at the helm, is ready to play the pump, to eject such filth as grew noisome in the nostrils of his people."[1] Ultimately this was accepted as a piece of wise counsel, and, observes Hacket, " out of this bud the dean's[2] advancement very shortly spread out into a blown flower."

Sir Edward Villiers fled ; sir Giles Mompesson — the original of Massinger's Overreach — and his creature sir Francis Michel, were impeached and degraded ; and many minor offenders were swept down in the same righteous storm of popular indignation, above which, moving and directing, Pym was seen pre-eminent. So especially active was he about those affairs at this time, that the king, as we learn from the authority of Anthony à Wood, singled him out from the rest of the members as a man of " a very ill-tempered spirit."[3]

The most melancholy duty of this famous parliament remained to be performed, to the world's wonder and its lasting loss. On the 15th of March, sir Robert Philips reported to the house, as chairman of one of its committees of inquiry, that they had received information respecting a case of bribery which " touched the honour of so great a man, so endowed with all parts both of nature and art, as that he would say no more of him, not being able to say enough."[4] We turn aside, with

[1] See Hacket's Scrinia Reserata, pp. 49, 50.

[2] Williams was at this time dean of Westminster.

[3] Ath Oxon. vol iii p 73 Wood adds, as some set-off to the king's opinion, that Pym was not without great esteem at the time, as a "person of good language, voluble tongue, and considerable knowledge in the common law."

[4] See the Commons' Journals, pp. 530--563 Parl Hist vol v p 350 Rushworth, vol. i p 28. State Trials, vol. ii p 1088 Clarendon and Carte have striven to represent the impeachment of Bacon as the result of private pique and resentment — in the one case, on the part of Coke ; in the other, on that of Buckingham. Whatever may have been the truth in either case, the commons, having had the charges submitted to them, had no resource but that which they adopted ; and the deference and tenderness exhibited by them, during the whole of the proceedings, towards the illustrious accused, was truly remarkable I should add that, though Coke did not appear prominently, his conduct in endeavouring to implicate Bacon in Mompesson's crimes, favours the supposition of his having done his best

deep regret and self-humiliation, at the thought of the disgrace of lord Bacon; but, careless of the influence of Pope's worthless and senseless distich [1], it is only just that we should remember, in some reassurance of the goodness as well as greatness of the intellect, that Bacon's submission was wrung from him by the mean and paltry spite of Buckingham [2]; that he was not confronted with his accusers; never cross-examined any of the witnesses against him; never adduced any on his own behalf. It becomes us, therefore, using his own most affecting appeal, to give to that submission "a benign interpretation; for words that come from wasted spirits, and an oppressed mind, are more safe in being deposited in a noble construction, than in being circled with any reserved caution. When the book of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart, in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuses of the times." It was with this feeling, the manly and earnest mind of Jonson contemplated Bacon's fall; for he had celebrated his prosperity, and would not shrink from him in his years of adversity and sorrow. "My conceit of his person was never increased towards him by his place or honours; but I have and do reverence him for

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to move the original committee of inquiry. See the Journals of March 9th, and Carte iv. 74.

[1] "If parts allure thee, think how Bacon shined
The wisest, greatest, meanest of mankind!"

One of these superlatives must be questioned — let the common sense of the reader determine which

[2] It will probably be in the reader's recollection that a servant of Bacon's subsequently said very distinctly, that his lord was absolutely prohibited by the king from making his defence This may be questioned; but can it be questioned that, had Bacon not been restrained either by a positive command of James, or at least by a knowledge of what must be the royal wish, he might have palliated his offence in a very great degree? Many of the alleged bribes were, in reality, the customary compliments to chancellors; and of the worst of his delinquencies Buckingham was the sole instigator — the great cause and origin, as any one who reads the now published correspondence of Bacon and Buckingham, will see to be established beyond a doubt. To this, indeed, lord Bacon alludes, in this memorial of access to the king in 1622 "Of my offences, far be it from me to say, *Dat veniam corvis, vexat censura columbas*, but I will say that I have good warrant, for 'they were not the greatest offenders in Israel on whom the wall of Shilo fell.'"

the greatness that was only proper to himself, in that he seemed to me ever, by his words, one of the greatest men, and most worthy of admiration, that had been in many ages. In his adversity I ever prayed that God would give him strength, for greatness he could not want. Neither could I condole in a word or syllable for him, as knowing no *accident* could do harm to virtue, but rather help to make it manifest."

Strengthened by the great good they had already achieved, Pym and the other leaders of the country party in this famous parliament, now addressed themselves to subjects which, while they deeply interested the religious feelings of the people, involved, as they well knew, some of the most dearly cherished prejudices of the king. A war for the recovery of the protestant cause in the palatinate; some repeal of the indulgence granted to catholics in the non-execution of the penal laws; destruction of those treaties that had been concluded with the king of Spain and the emperor, to the heavy discouragement, as it was generally felt, of protestantism; and finally, arrest of the negotiations now carrying on for the marriage of the prince of Wales with the Spanish infanta; — these questions, day by day, gathered formidable influence in the house, and at last, in the utter absence of any signs of immediate supply, effectually alarmed James. He lost temper and patience, and, suddenly dropping the mask he had worn so ill, sent an intimation to the House of Commons that he expected them to adjourn over the summer. This was received with extreme dissatisfaction; much angry parleying followed; but after some days' delay both houses were adjourned by royal commission. The commons, however, before separating, voted a solemn declaration of their resolve to spend their lives and fortunes in defence of the protestant cause [1] (the reader will keep in view what has been already urged [2] respecting the inseparable connection of this cause in that day with civil freedom); and this declaration was '"sounded forth," says a per-

[1] Parl Hist. vol. v. p. 472, 473. [2] See Life of Eliot, p. 18.

son who was present, "with the voices of them all, withal lifting up their hats in their hands so high as they could hold them, as a visible testimony of their unanimous consent, in such sort, that the like had scarce ever been seen in parliament."

A recess of five months followed, in the course of which the whole church was thrown into confusion, and the king's theology suffered a great eclipse. The cause is worth adverting to, in illustration of the personal positions of the dignitaries of the church; for it was against this class of men, according to lord Clarendon, that Pym first showed himself "concerned and passionate." [1]

The good easy archbishop Abbot happened to have joined the lord Zouch on a hunting party at Bramzhill Park, in Hampshire. Here his grace, having singled out a buck one morning, "*and warned the company to be on their guard*," took his aim, and, as the accounts say, "*through mistake* or want of skill," shot the keeper of the park, who was passing over the ground on horseback. A verdict of unintentional homicide was returned; but the opportunity was too happy to be lost, wherefore a pack of his grace's reverend opponents set in full cry after him, urging that by the canon law, he had become incapable of holding any ecclesiastical preferment, or exercising any ecclesiastical function. His leading opponents were no less than four bishops elect, all of whom, under the circumstances, refused to receive consecration at his hands, and took their stand, very pathetically, upon impassable scruples of conscience, to which it would of course be a gross insult to suggest that, with two at least of these four reverend men, the hope of succeeding to the dignity of the disabled archbishop must have been strongly present. It was in fact notorious, that Williams and Laud [2] entertained this hope. The sober and religious people of

[1] Hist of Rebel vol iv p. 457

[2] Laud had a quarrel of twenty years standing with Abbot, who had on several occasions at Oxford opposed and censured him on account of the Roman catholic tendencies of doctrines maintained by him in his academical exercises.

England were, meanwhile, attentively listening, and from the high places in church and state nothing was to be heard but an agitation of the momentous question of whether the amusements of hunting and shooting were allowable in a bishop. James suffered all the throes of the strongest theological conceptions, but brought nothing forth. In despair of his own delivery he at last appointed a commission of prelates and canonists: they could not agree; but, by way of a compromise, the majority proposed that Abbot should be absolved from all irregularity *ad majorem cautelam*. An agonising question followed — Where was the ecclesiastical superior to absolve the metropolitan? A brilliant thought at last relieved the unprecedented difficulty. It was suggested that the king, as head of the church, possessed exactly that plenitude of power which in Roman catholic countries resided in the pope. Whereupon James issued his triumphant commands to the eight consecrated bishops, and Abbot was pardoned forthwith, upon the issue of a solemn declaration from the conclave, that "the hunting aforesaid was decent, modest, and peaceable." [1]

The parliament assembled in November, and in some anger at the imprisonment of one of their members,

[1] This will probably be pronounced to have been, upon the whole, a wise as well as important decision, and is certainly not without even present application to affairs of this sort. There is a kind of hunting, now-a-days, indulged occasionally by clergymen and archdeacons, which is any thing but decent and peaceable. Buck-shooting, even at the occasional risk of an accidental loss of life, as in his grace of Canterbury's case, is in reality nothing to it. It may be very much the fashion, therefore, when we see a minister of the gospel partridge-shooting or fox-hunting, to pull forth our bibles, and make a parade of our acquaintance with Paul and Timothy: but the propriety of the practice is really more than doubtful, since the consequences may be such as to put society under serious *disobligation* to the rash hinderer of clerical pastimes. A pheasant is more allowable game than a peasant. When Domitian left off fly-killing he took to killing Roman citizens; and our times have witnessed less innocent amusements, on the part of the clergy, than the sports of the field. As for the silence of holy writ about detonators, it is not more silent about detonators than about lawn sleeves and mitres, and, besides, if it says nothing for them, it certainly says nothing against. "If you must drink," says the ordinary of Newgate, to Mr Jonathan Wild, "if you must drink, let us have a bowl of punch, a liquor I the rather prefer, as it is no where spoken against in scripture." The same reason holds for an archbishop's or archdeacon's dog and gun, with precisely the same force.

sir Edwyn Sandys [1], during the recess. Some few days after their meeting, Pym seconded sir Edward Coke in moving, as one of their first resolutions, that they should remonstrate with the king on the causes of the public discontent then prevailing, and point out the remedies. A petition was accordingly prepared; suggesting, among other things, prince Charles's marriage with a protestant; and that the king should direct his efforts against that power (Spain), which first maintained the war against the protestant cause in the palatinate. [2] This petition was opposed by the court party as utterly without precedent: the chancellor of the duchy said that "it was of so high and transcendent a nature, he had never known the like within those walls." Privately, meanwhile, a copy of it had been sent to the king, on

[1] Sandys had been placed under arrest with Selden, not then a member of the House, also lords Oxford and Southampton, Sutcliff dean of Exeter, the bishop of Bangor, sir Christopher Neville, sir G. Leeds, and Brise, a puritan minister, — after examination before the council, and a short confinement, they were restored to liberty. See Camden's Annals of James, 1621. Kennet's History, vol ii p 757. Their offences are not assigned, but it would seem they had indulged in talking "*arcana imperii*," against a royal proclamation. Secretary Calvert was commissioned by the king to declare that Sandys, the only member committed, had not been committed for any parliamentary matter, and sir Thomas Wentworth even discountenanced the resenting it as a breach of privilege. But it is difficult to doubt the cause of Sandys' commitment. See Debates and Journals.

[2] See Rushworth, vol i p 40. This remonstrance, it has been truly said, was fitted to disconcert all the projects of James; it penetrated without reserve into the deepest recesses of those *arcana imperii* which he held so dear and so sacred; it proclaimed the futility of those negotiations in which he had exposed himself to become the dupe of Spain and the laughing-stock of Europe; it warned him that his arbitrary suspension of laws would be no longer borne with; it taught him that the darling project of alliance which had prompted all these sacrifices of dignity and principle was contemplated with abhorrence; and, above all, that the purses of the English people would never be opened to him but in the cause of protestantism and the liberties of Germany, against the great catholic league, the emperor, and especially the king of Spain. The following passage closed the petition: — "This is the sum and effect of our humble declaration, which we (*noways intending to press upon your majesty's undoubted and regal prerogative*) do with the fulness of our duty and allegiance humbly submit to your most princely consideration: the glory of God, whose cause it is, the zeal of our true religion, to which we have been born, and wherein by God's grace we are resolved to die; the safety of your majesty's person, who is the very life of your people; the happiness of your children and posterity, the honour and good of the church and state, dearer unto us than our own lives — having kindled these affections, truly devoted to your majesty." The words in italics were not in the petition as first proposed to the house, but were inserted in the course of the debate on it to meet some scruples of the time. See Journals, Parl. Hist. vol v. p 489, and Aikin's James, vol. ii. p 275-7.

whom it took sudden and desperate effect. Calvert and Weston, according to Wilson, "had aggravated the matter to him, with all the acrimony they could, so far as to reflect upon particular persons that were the most active instruments in it."[1] Foremost among the persons so named were Pym, Coke, and Philips. Accordingly from Newmarket, whither he had gone at the time, "to be further from the sound of that noise of the discontent of the commons," James instantly dispatched a letter to the speaker complaining of the influence possessed by some certain[2] "fiery, popular, and turbulent spirits" in the lower house, forbidding them to inquire into the mysteries of state; or to concern themselves about the marriage of his son; or to touch the character of any prince, his friend or ally; or to intermeddle with causes which were submitted to the decision of the courts of law; or even to send to him their petition, if they wished him to hear or answer it; and, finally, to recollect that he (king James) thought himself "very free and able to punish any man's misdemeanours in parliament as well during their sitting as after: which we mean not to spare hereafter, upon any occasion of any man's insolent behaviour there that shall be ministered unto us: and if they have already touched any of these points, which we have forbidden, in any petition of theirs which is to be sent unto us, it is our pleasure that you shall tell them, that except they reform it before it come to our hands, we will not deign the hearing nor answering of it."[3]

From the date of this letter — the 3d of December,

[1] See Wilson, in Kennet's History, vol. ii. p 740.

[2] The following, which stands upon the journals, immediately after the king's letter, is an evidence of Pym's quick resolution and high courage.— "Mr Pym saith that the words of 'fiery, popular, and turbulent,' are laid by his majesty *on the whole house*, for *since we have not punished or questioned any such*, but (as the letter saith) been led by their propositions, it is the act of the whole house He desireth, a petition may be from us to the king, *to know who his majesty hath been informed those fiery turbulent spirits are*, that we may justify ourselves, and clear the house of the taint of those words"

[3] Parl. Hist. vol v. p 492. Roger Coke's Declaration, vol. i p 119. ed 1694.

1621 — may be dated the commencement of the kind of open warfare of antagonist principles which ended in the destruction of the Stuart race. The historian Hume confesses that it was "rash and indiscreet" in the king thus to risk the "tearing off that sacred veil which had hitherto covered the English constitution, and which threw an obscurity upon it, so advantageous to royal prerogative: every man began to indulge himself in political reasonings and inquiries; and the same factions which commenced in parliament, were propagated through the nation."[1] Would the philosopher have thought James rash and indiscreet, if his letter had proved successful? The truth was, that, backed by all the power of the executive, and with all the prisons of the tower at his command, James's venture was perfectly in accordance with Hume's principles. He had, however, miscalculated the characters of the men opposed to him; the great majority of whom were already, for life or death, devoted to the achievement of a popular and responsible government in England.

In the spirit of men so leagued their reply to this letter was framed. The greatest respect tempered the most resolute firmness. Some abstract of this document will find a fitting place here, since Pym was one of the most active members[2] of the committee appointed to draw it up, and it is, besides, of the last importance that the reader should distinctly understand the exact ground that was occupied by the opposing parties in this, the first open contest between the English parliament and the English king.

They began by professing their sorrow at the displeasure shown by his majesty's letter to the speaker; while they took comfort to themselves in the assurance of his grace and goodness, and of their own faithfulness and loyalty. They entreated that their good intentions might "not undeservedly suffer by the misinformation of partial and uncertain reports, which are ever unfaith-

[1] Hist. vol. v. p. 82. quarto ed. [2] See Journals.

ful intelligencers ;" but that his majesty would vouchsafe to understand from themselves, and not from others, what their humble petition and declaration, resolved upon by the universal voice of the house, did contain. They beseeched, also, that his majesty would not henceforth give credit to private reports against all or any of the members of that house, on whom they themselves should not have inflicted a censure; but that they might ever "stand upright" in his royal judgment. Adverting, then, to the cause of their assembling in parliament, and to the particulars of information laid before them by his majesty's command, they inferred that they "were called to a war," and certainly with the king of Spain, who had five armies on foot, and who was known to have occupied the lower Palatinate ; and hence they took credit for the unprecedented celerity and alacrity, with which their zeal for his majesty and his posterity had prompted them to proceed in voting the necessary supplies, and considering of the mode of conducting hostilities. To this they added, that although they could not conceive that the honour and safety of his majesty and his posterity ; the patrimony of his children, invaded and possessed by their enemies ; the welfare of religion and the state of the kingdom ; were matters at any time unfit for their deepest consideration in time of parliament, — yet that, at this time, they were clearly invited to it ; and that the mention of popish recusants, and whatever said touching the honour of the king of Spain — in which, however, they contended that they had observed due bounds — had necessarily arisen out of the subject. Next they disclaimed all intention of invading his majesty's undoubted prerogative in disposing of his son in marriage ; but maintained that, as the representatives of the whole commons of England, who have a large interest in the prosperity of the king and royal family, and of the state and commonwealth, it became them to offer their opinion respecting this matter. On these considerations,

they hoped that his majesty would now be pleased to receive their petition and declaration at the hands of their messengers, to read and favourably to interpret it, and to give answer to as much of it as relates to popish priests and recusants, to the passing of bills, and to pardons. The declaration ended thus: — "And whereas your majesty doth seem to abridge us of the ancient liberty of parliament for freedom of speech, jurisdiction, and just liberty of the house, and other proceedings there (wherein we trust in God we shall never transgress the bounds of loyal and dutiful subjects); a liberty which we assure ourselves so wise and so just a king will not infringe, the same being our ancient and undoubted right, and an inheritance received from our ancestors; without which we cannot freely debate, nor clearly discern of things in question before us, nor truly inform your majesty; in which we have been confirmed by your majesty's most gracious former speeches and messages: — we are, therefore, now again enforced, in all humbleness, to pray your majesty to allow the same, and thereby to take away the doubts and scruples your majesty's late letter to our speaker hath wrought upon us."[1]

This declaration, with the original petition, was carried to the king at Newmarket by Pym and eleven other members deputed by the house. "Chairs!" cried the king, as they entered the presence chamber, "Chairs! here be twal' kynges comin'!" In the interview which followed he refused to receive the original petition; and, as Roger Coke expresses it, after reading the second declaration, "furled all his sails, and resolved to ride out this storm of the commons." In other words, he set to work, and indicted, with his own hand, an enormously long rejoinder, which may be thus translated and abridged from the rich Scotch dialect[2] of the original.

[1] Rushworth, vol. i. p. 46. Parl. Hist. vol. v. p. 495. Aikin's James the First, vol. ii. p. 282-284. [2] Roger Coke, vol. i. p. 121.

He began by applying to the case some words of queen Elizabeth, addressed to an insolent ambassador:—"We looked for an ambassador; we have received a herald." So, he asserted, he had looked for thanksgiving from the commons for all the "points of grace" he had conceded to them. "But not only," he continues, "have we heard no news of all this, but contrary, great complaints of the danger of religion within this kingdom; tacitly implying our ill government in this point. And we leave you to judge whether it be your duties, that are the representative body of our people, so to distaste them with our government; whereas, by the contrary, it is your duty, with all your endeavours, to kindle more and more a dutiful and thankful love in the people's hearts towards us, for our just and gracious government." In respect to their taxing him with trusting uncertain reports and partial informations, he proceeded thus: "We wish you to remember that we are an old and experienced king, needing no such lessons; being in our conscience freest of any king alive from hearing or trusting idle reports;" and as to their petition in particular, he went on to say, that he had made their own messengers compare the copy of it which they brought with that which he had received before, which corresponded exactly, excepting a concluding sentence added by them afterwards. Having thus satisfied himself with a reason which did not even glance at the gross breach of privilege complained of, he next told them, that if, in ignorance of the contents of their petition, he had received it, to his own great dishonour, he could have returned nothing to their messengers but that he judged it unlawful and unworthy of an answer. "For," he observes, "as to your conclusion thereof, it is nothing but *protestatio contraria facto*; for in the body of your petition you usurp upon our prerogative royal, and meddle with things far above your reach, and then, in the conclusion, you protest the contrary; as if

a robber would take a man's purse, and then protest he meant not to rob him." He denied that the communications made by him to the house could in any manner authorise their proceedings. He had, indeed, made known that he was resolved by war to regain the Palatinate, if otherwise he could not; and had invited them to advise upon a supply for keeping the forces there from disbanding, and raising an army in the spring. "Now what inference," he continues, "can be made upon this, that therefore we must presently denounce war against the king of Spain, break our dearest son's match, and match him to one of our religion, let the world judge. The difference is no greater than if we would tell a merchant that we had great need to borrow money from him for raising an army; that thereupon it would follow that we were bound to follow his advice in the direction of the war, and all things depending thereupon. But yet, not contenting yourselves with this excuse of yours, which indeed cannot hold water, you come after to a direct contradiction — saying, that the honour and safety of us and our posterity, and the patrimony of our children, invaded and possessed by their enemies, the welfare of religion and state of our kingdom, are matters at any time not unfit for your deepest considerations in parliament. To this generality we answer, with the logicians, that where all things are contained nothing is omitted. So this plenipotency of yours invests you with all power upon earth, lacking nothing but the pope's, to have the keys, also, both of heaven and purgatory. And to this vast generality of yours we can give no other answer, for it will trouble all the best lawyers in the house to make a good commentary upon it. For so did the puritan ministers in Scotland bring all kind of causes within the compass of their jurisdiction, saying that it was the church's office to judge of slander, and there could be no kind of crime or fault committed but there was a slander in it, either against God, the king,

or their neighbour: — or like Bellarmine's distinction of the pope's power over kings, *in ordine ad spiritualia*, whereby he gives them all temporal jurisdiction over them." With respect to the war, he then professed in general terms that he would suffer no consideration, not even the marriage of his son, to interfere with the restitution of the Palatinate; and boasted that by his intervention with the king of Spain and the archduchess in Flanders, he had already preserved it from further conquest for a whole year. "But," he added, "because we conceive that ye couple this war of the Palatinate; with the cause of religion, we must a little unfold your eyes therein." And he proceeded, in defiance of all historic truth, to lay the whole blame of the war of Bohemia, and the consequent oppression of the protestants in Germany, on the ambition of his son-in-law, and his unjust usurpation of the crown of another. He severely reprimanded the parliament, next, for the terms in which the king of Spain and his inordinate ambition were spoken of in their petition; not to allude to "the particular ejaculations of some foul-mouthed orators in your house, against the honour of that king's crown and state." Respecting the prince's marriage, he professed himself indignant that the house should not place so much confidence in his religion and wisdom, as to rely on his former declaration, that religion should receive no injury by it; and then informed them, that he was already too much advanced in the treaty to retract with honour. After much more objurgatory language respecting what he treats as their unpardonable presumption, quoting the proverb, *Ne sutor ultra crepidam*, he condescends — ungraciously enough, but yet out of a sort of ungainly desire of seeming to conciliate — to explain away, in some degree, his general prohibition of their meddling with matters of government and mysteries of state, accusing them, at the same time, of misplacing and misjudging his sentences, as "a scholar would be ashamed so to

misplace and misjudge any sentences in another man's book." With the following very startling passage, he at last concludes: "And although we cannot allow of the style, calling it *your ancient and undoubted right and inheritance*, but could rather have wished that ye had said that your privileges were derived from the grace and permission of our ancestors and us — (for most of them grow from precedents, which shows rather a toleration than inheritance) — yet, we are pleased to give you our royal assurance, that as long as you contain yourselves within the limits of your duty, we will be as careful to maintain and preserve your lawful liberties and privileges as ever any of our predecessors were; nay, as to preserve our own royal prerogative. So as your house shall only have need to beware to trench upon the prerogative of the crown; which would enforce us, or any just king, to retrench them of their privileges that would pare his prerogative and flowers of the crown. But of this we hope there shall never be cause given." [1]

This letter had not been long dispatched, when symptoms of alarm broke out at the court. Williams recommended the qualification of its terms "with some mild and noble exposition [2];" and the king prepared to adopt this suggestion, after he was told that the commons, on receiving his letter, had on the instant appointed a committee to prepare a protest. Secretary Calvert accordingly went down to the house with an explanatory message from the king, wherein, while he reiterated his assurances of respecting their privileges, and tacitly withdrew the menace that rendered them precarious, he said that he could not with patience endure his subjects to use such anti-monarchical words to him concerning their liberties, as "ancient and undoubted right and inheritance," without subjoining that they were granted

[1] Parl. Hist. vol. v. p. 497, 507.
[2] See his curious letter in the Cabala, p. 65. Miss Aikin is in error in supposing that this was written before the dispatch of the king's letter.

by the grace and favour of his predecessors. The house heard this coldly. Calvert and the other ministers, seeing the coming storm, made a still more desperate effort to avert it, by admitting the king's closing expressions in the original letter to be incapable of defence, and calling them a slip of the pen at the close of a long answer.[1] This availed as little as the former. The last and worst expedient was then resorted to, and the clerk of the house received notice of instant adjournment till the ensuing February.

In this extremity the leaders of this great parliament acquitted themselves with memorable courage. Nothing, they said, should separate them, till they had placed on record a protest against the monstrous pretensions of James. The time that remained to them was indeed short, but they proved it long enough for the accomplishment of an act which exerted a sensible influence on the contest between the people and the king, up to its very close. All that was done in the most celebrated parliaments of Charles followed, as a natural consequence, from what was done now.

Instantly upon the receipt of this notice of adjournment, a message was sent to the committee to whom the king's letter had been referred; some time passed in debate meanwhile, and it was not, as it would seem by the king's subsequent proclamation[2], until "six o'clock at night, by candle-light," a thing unprecedented in those days, "that the said committee brought into the house a protestation (to whom made appears not) concerning their liberties." This assertion of ignorance, on the king's part, as to whom the protestation was made, emphatically points out the nobler quarter to which it addressed itself — the great mass of the English people. To them it was made, and,

[1] See Hallam's Court Hist. vol ii. p. 500.
[2] See Parl Hist vol. v p 514 16 *Memorial of the King's Reasons for destroying the Protestation of the Commons.*

sinking into their hearts, met with a fruitful and congenial soil. After a long and earnest debate, advancing to a very late hour, the protestation was entered "as of record" upon the journals, in the following ever memorable words:—

"The commons now assembled in parliament, being justly occasioned thereunto, concerning sundry liberties, franchises, and privileges of parliament, do make this protestation following:—That the liberties, franchises, privileges, and jurisdictions of parliament, are the ancient and undoubted birthright and inheritance of the people of England: And that the arduous and urgent affairs concerning the king, state, and defence of the realm, *and of the Church of England*, and the maintenance and making of laws, and redress of mischiefs and grievances which daily happen within this realm, are proper subjects and matter of council and debate in parliament: And that in the handling and proceeding of those businesses, every member of the House of Parliament hath, and of right ought to have, freedom of speech, to propound, treat, reason, and bring to conclusion the same: And that the commons in parliament have like liberty and freedom, to treat of these matters in such order as in their judgments shall seem fittest: And that every member of the said house hath like freedom from all impeachment, imprisonment, and molestation, (other than by censure of the house itself), for or concerning any speaking or reasoning or declaring of any matter or matters touching the parliament, or parliament business: And that if any of the said members be complained of and questioned for anything done or said in parliament, the same is to be showed to the king by the advice and assent of all the commons assembled in parliament, before the king give credence to any private infoımation."[1]

No time was lost by the courtiers, it may be sup-

[1] Rushworth, vol. i. p. 53.

posed, in communicating intelligence of this act to the king; who instantly, frantic with spite and outraged imbecility, hurried up to London from Newmarket, hastily assembled around him at Whitehall the privy council and six of the judges who happened to be in town, sent for the clerk of the house of commons, and commanding him to produce his journal book, tore out the protestation with his own hand, and ordered the deed to be registered by an act of council. His next exploit was to dissolve the parliament.[1] This he did by proclamation, assigning as the necessity which had driven him to it, the "inordinate liberty" assumed by some "particular members of the house,"—"evil tempered spirits, who sowed tares among the corn."[2] Finally, he summoned these "evil tempered spirits" before the council table, in the persons of Coke, Philips, Pym, and Mallory, and, having in vain endeavoured to exact submission from them, committed them to separate prisons.

I have found, and will here quote, a curious letter, in illustration of the nature of these imprisonments, which have been sometimes spoken of by writers of the court party as though they spoke of matters comparatively trifling—a sort of temporary detention, or honourable arrest. What follows will show the full extent of the dangers to which men of high birth and fortune were now content to expose themselves, in the hope, by such means, of still more quickening the sympathies and strengthening the purposes of the mass of the common people. It describes the capture and imprisonment of sir Robert Philips, Pym's intimate friend, on the occa-

[1] A ludicrous anecdote of what very ominously befell the king on the same day, is given in a manuscript letter of the time — "The parliament was, on Wednesday, cleane dissolved by proclamation. The same day his majestie rode by coach to Theobald's to dinner, not intending, as the speech is, to returne till towards Easter. After dinner, ryding on horseback abroad, his horse stumbled and cast his majestie into the New River, where the ice brake: he fell in, so that nothing but his boots were seene. Sir Richard Yong was next, who alighted, went into the water, and lifted him out. There came much water out of his mouth and bodie. his majestie rode back to Theobald's, went into a warme bed, and, as we heare, is well, which God continue." Harl. MSS 389.

[2] Rushworth, vol. i. p. 55.

sion now in question ; and describes, also, there can be little doubt, the course adopted, at the same time and for the same reason, towards Pym himself. It is in the shape of a petition from Francis Philips to king James, praying for the release of his brother, sir Robert.

"It is not for myself," he writes, "I thus implore your majesty's grace, but for one that is far more worthy, and in whom all that I am consists, my dear brother ; who, I know not by what misfortune, hath fallen, or rather been pushed, into your majesty's displeasure ; not in dark and crooked ways, as corrupt and ill affected subjects use to walk, and neer to break their necks in ; but even in the great road, which both himself and all good Englishmen that know not the paths of the court, would have sworn would have led most safely and most directly to your majesty's service from your majesty's displeasure. There needs no other invention to crusifie a generous and honest-minded suppliant, upon whom hath issued and been derived a whole torrent of exemplary punishment, wherein his reputation, his person, and his estate grievously suffered. *For having (upon the last process of parliament) retired himself to his poor house in the countrey — with hope a while to breathe after these troublesome affairs, and still breathing nothing but your majesty's service — he was sent for, ere he had finished his Christmas, by a serjeant at arms, who arrested him in his own house, with as much terror as belongs to the apprehending of treason itself:* but (thanks be to God) his conscience never started ; and, his obedience herein shewed, it was not in the power of any authority to surprize it ; for *at the instant, without asking one minute's time of resolution, he rendered himself to the officer's discretion*, who (according to his directions) brought him up captive, and presented him at the council-table as a delinquent, from whence he was as soon committed to the Tower ; *where he ever since hath been kept close prisoner, and that with so strict a hand, as his own beloved wife and myself, having some time since urgent and unfeigned occasion to speak with*

him, about some private business of his family, and hereupon making humble petition to the lords of your majesties most honorable privy council, for the favour of access, *we were, to our great discomforts, denied it*; by reason, as their lordships were pleased to declare unto us, that he had not satisfied your majesty fully in some points; which is so far from being his fault, as, I dare say, it is the greatest part of his affliction, that he sees himself debarred from the means of doing it. The lords commissioners that were appointed by your majesty to examine his offence, since the first week of his imprisonment, have not done him the honour to be with him, by which means, not onely his body, but (the most part of his mind) his humble intentions to your majesty, are kept in restraint. May it please, therefore, your most excellent majesty, now at length, *after five months' imprisonment and extreme durance*, to ordain such expedition in this cause, as may stand with your justice, and yet not avert your mercy: either of them will serve our turns; but that which is most agreeable to your royal and gracious inclination will best accomplish our desire. *To live still in close prison is all one as to be buried alive; and for a man that hath any hope of salvation, it were better to pray for the day of judgment, than to lie languishing in such waking misery*; yet not ours, but your majesties will be done."

A subsequent passage of the petition runs thus:—"If (I say) it be not yet time to have mercy, but that he must still remain within the walls of bondage, *to expiate that which he did in these priviledged ones*, my hope is, that he will die at any time for your majesties service, and will find patience to live any where for your majesties pleasure; onely thus much let me beseech your majesties grace, again and again, not to deny your humble and most obedient suppliant, *that you will, at least, be pleased to mitigate the rigour of his sufferings so far as to grant him the liberty of the Tower*; that he may no longer groan under the burthen of those incommodities which daily prejudice his health and for-

tune, in a higher degree (I believe) than either your majesty knows or intends."

No answer was returned by the king; and under this kind of restraint Pym and his friends were all, with one exception [1], kept close prisoners [2], until, as Roger Coke states, the breaking of the Spanish match necessitated the king to call another parliament. Such sufferings, however, while they excite all the sympathies of the heart and mind, are much too high for pity. "I had rather," said Pym [3] on more than one occasion, "I had rather suffer for speaking the truth, than that the truth should suffer for want of my speaking." The prisons of such men are the sanctuaries of philosophy and patriotism.

The last parliament of James was summoned, and Pym, having obtained his release, again sat for Calne. The proceedings of this parliament have been followed so minutely in the biography of Eliot [4], that it is not necessary to say more here than that Pym's exertions, during its continuance, were chiefly employed upon the declaratory statute against monopolies, and against the delinquencies of the lord treasurer Middlesex.

James died, and Charles ascended the throne. The precise condition of affairs at this juncture has been

[1] This exception was in the case of Selden, who, though not a member of the parliament, had been consulted by it, and given very decisive opinions respecting questions of privilege. He was released in consequence of the earnest intercession of the subtle lord keeper Williams, an extract from whose letter on this subject addressed to Buckingham, supplies us with one or two curious hints of character. "Now," says our artful bishop, "poor Mr. Selden petitions your lordship's mediation and favour. He and the world take knowledge of that favour your lordship hath ever afforded my motions; and myself, without the motion of any; and so draweth me along to entreat for him; the which I do the more boldly, because, by his letter enclosed, he hath absolutely denied that ever he gave the least approbation of that power of judicature lately usurped by the house of commons My lord, *the man hath excellent parts, which may be diverted from an affectation of applause of idle people, to do some good and useful service to his majesty. He is but young, and it is the first offence that ever he committed against the king.* I presume, therefore, to leave him to your lordship's mercy and charity" Hacket's Scrinia Reserata, part. i p 69. Doctor Hacket proceeds, after giving this letter, in his characteristic style: — "These soft words mollified anger, and Mr Selden was released by the next pacquet that came from the court in progress.

[2] Detection, vol. i. p. 130.

[3] See speech on the journals of the last parliament of James; also on the 17th March, 1641.

[4] P. 17. 26.

already placed before the reader [1]; and it will be only necessary to remind him, that the bitter distrust awakened in the English people towards their young king, by the Earl of Bristol's exposure of the circumstances attending the breach of the Spanish treaties at the close of the reign of James, was aggravated by ostentatious and ill-timed indulgences granted to the professors of the Roman Catholic religion, immediately upon Charles's accession. Under the influence of these feelings, the first parliament of the new reign met, when Pym took his seat, for the first time, as member for the borough of Tavistock, in Devonshire; which he represented, in all succeeding parliaments, till his death.

The first matter we find him engaged in here [2], was the case of the king's chaplain, Doctor Montagu, which may be very briefly explained. The then inseparable connection, in the minds of the English people, between popery and despotism, has been very frequently touched on. The effect of the Reformation — the sense of emancipated intellect which had naturally flowed from it — had been such as to imbue men's minds, generally, with the deepest sense of the paramount importance of a pure system of religious ethics in matters of political government. This sense struck still more deeply into the heart of England, when in every quarter of the continent the Romish cause appeared as the cause of the oppressor, while the protestant was that of the oppressed; and no where was a struggle for good government to be seen, that had not instantly arrayed against it all the powers and influences of the Roman Catholic church. If anything was wanting to strengthen a consequent necessity, on the part of the men who now enjoyed the

[1] Life of Eliot, p. 27. 29.

[2] I should mention, also, that Pym was a very active member of the celebrated committee known by the name of its chairman, Mr serjeant Glanville. This was that grand committee of privileges, whose report is still referred to as an eminent achievement of "parliamentary reform." Advancing from their decisions on certain contested returns, they drew out a general outline and system of the legal right of voting, and issued new writs to several places, to three Buckinghamshire boroughs among them, where the custom of returning members had fallen into disuse. Hampden was also an active member of this famous committee.

confidence of the great masses of the people, of a bitter opposition to the doctrines of popery, it was furnished by the conduct of those high church court divines who were known to be most favourable to the despotic system in politics. They made every effort to introduce, under the cover of the Arminian tenets, a sort of bastard popery into the church of England. Their design was, plainly, to secure a safe retreat for absolute monarchy, under a timely alliance of prerogative with priestcraft and church power.

Foremost in support of this design was Montagu, one of the king's chaplains; and upon this divine Pym fastened with inveterate purpose. He had republished, on Charles's accession, a book which Archbishop Abbot had censured, at the request of the house of commons, in the preceding year. Encouraged by Laud, he composed also a defence of this book, called it an appeal to Cæsar, and inscribed it to Charles. Here he asserted the Romish church to be a true church, resting on the same authority and foundation as the English, and differing from it only in some points of lesser importance; defended the use of images; affirmed that the saints had knowledge and memory of human things, and exercised peculiar patronage over certain places and persons; maintained the real presence; numbered ordination among the sacraments; and approved confession and absolution, and the use of the sign of the cross. In the same work, as a contrast to all this, much bitterness was indulged against the puritans; lecturing and preaching were decried; even the reading of the Scriptures was alluded to with a sneer; and, finally, by way of gratifying the despotic propensities of the king, a prerogative was claimed for him, founded on divine right, and paramount to the English laws.[1]

Pym was the author of the report upon this book presented to the house of commons. Montagu was ordered immediately after into the custody of the ser-

[1] See Montagu's works, entitled "A new Gag for an old Goose," and "Appello Cæsarem."

jeant at arms, and brought, for submission, before the bar of the house. A vehement intercession was then made for him by Laud, who so far betrayed himself, in a letter to the duke of Buckingham, as to declare that it was impossible to conceive how any civil government could be supported, if the contrary of Montagu's doctrines were to be maintained; and urged him to engage the king to reclaim to himself the judgment of the cause, as a branch of his prerogative.[1] Upon this Charles interfered, but with no other effect than to expose himself still more to the distrust of his people. Notwithstanding his request that, since Montagu was his servant, the punishment might be referred to himself, the prisoner was obliged to give bail for his appearance before the house when called on, in the sum of 2000*l.*

After the first ill-advised dissolution, and on the eve of the issue of writs for Charles's second parliament, Rushworth tells us that "Bishop Laud procured the duke of Buckingham to sound the king concerning the cause, books, and tenets of doctor Richard Montagu; and understanding by what the duke collected, that the king had determined within himself to leave him to a tryal in parliament, he said, '*I seem to see a cloud arising and threatening the church of England; God for his mercy dissipate it!*'"[2]

But this parliament, guided by the energy and intellect of Eliot, had higher game in hand; and Pym found himself, some few days after its assembling, appointed one of the secret managers of an impeachment against the duke of Buckingham. This impeachment has been already described at some length[3], but one or two characteristic extracts from the speech with which Pym presented the eleventh and twelfth articles to the judgment of the house of lords, will find a proper place here. Those articles, it will be recollected, charged the duke with procuring titles of honour and

[1] See Heylin's Life of Laud, p. 137. Cabala, p. 156.
[2] Rushworth, Coll. vol. i. p. 199.
[3] Eliot's Life, p. 38 — 48.

grants of land for poor and unworthy creatures of his own, and also with embezzling the king's money, and securing to himself grants of crown property of enormous value, on dishonest conditions, to the gross prejudice of the crown no less than of the subject.[1]

Pym began his task by observing, that "want of oratory" would be no disadvantage to his cause, since the "proportion of matter" he had to deliver was such that their lordships would not be likely to criticise his "art or expression." Having read the eleventh article, he proceeded to point out the fatal consequences to the well-being of the state no less than to the morals of the subject, which must result from the continuance of such practices as those of the duke. A grave, deliberative, and weighty style will arrest the reader's attention in the extracts which follow; and let him think what a masterly and effective foil this must have been to the quick and impassioned eloquence of Eliot.

"There are some laws," he said, alluding to the tampering of the duke with grants and honours, "peculiar, according to the temper of several states; but there are other laws that are co-essential and co-natural with government, which being broken, all things run unto confusion,—and such is that law, of suppressing vice and encouraging virtue by apt punishments and rewards. Whosoever moves the king to give honour, which is a double reward, binds himself to make good a double proportion of merit in that party that is to receive it;—the first of value and excellency, the second of continuance. For as this honour lifts them above others, so should they have virtue beyond others. And as it is also perpetual, not ending with their persons, but depending upon their posterity,—so

[1] Anthony Wood observes, "Pym was a great enemy to the favourite of king Charles I called George Villiers, duke of Buckingham, and very active in aggravating some of the articles that were put up against him; viz. that he forced sir Richard Roberts, bart., knowing him to be rich, to take the title of lord Roberts of Truro upon him, and that in consideration thereof to make him pay for it to him the said duke 10,000*l* Farther also, that he sold the office of lord treasurer to the earl of Manchester for 20,000*l*, and the office of master of the wards to the earl of Middlesex for 6000*l*., &c. &c."—*Ath. Ox.* vol. ii. p. 73.

there ought to be, in the first root of this honour, some such active merit to the commonwealth as may transmit a vigorous example to their successors, to raise them to an imitation of the like." Waving, then, with great dignity, any reflections "on those persons to whom this article collaterally relates, since the commands I have received from the commons concern the duke of Buckingham only," the speaker proceeded to urge, from the facts stated in the article itself, the heavy nature of the grievance charged. "It is prejudicial," he said, "*first*, to the noble barons; *secondly*, to the king, by disabling him from rewarding extraordinary virtue; *thirdly*, to the kingdom, which comprehends all. *It is prejudicial to this high court of peers.* I will not trouble your lordships with recital, how ancient, how famous, this degree of barons hath been in the western monarchies; I will only say, the baronage of England hath upheld that dignity, and doth conceive it in a greater height than any other nation. The lords are great judges — a court of the last resort; they are great commanders of state, not only for the present, but as law makers and counsellors for the time to come; and this, not by delegacy and commission, but by birth and inheritance. If any be brought to be a member of this great body, who is not qualified to the performance of such state functions, it must needs prejudice the whole body;—as a little water put into a great vessel of wine, which, as it receives spirits from the wine, so doth it leave therein some degrees of its own infirmities and coldness. *It is prejudicial to the king.* Not that it can disable him from giving honour, for that is a power inseparable from the crown; but, by making honour ordinary, it becomes an incompetent reward for extraordinary virtue. When men are made noble, they are taken out of the press of the common sort; and how can it choose but fall in estimation, when honour itself is made a press? *It is prejudicial to the kingdom.* Histories and records are full of the great assistance which the crown has received from the barons, on foreign and domestic occasions; and not

only by their own persons, but their retinue and tenants; and therefore they are called by Bracton, ROBUR BELLI. How can the crown expect the like from those who have no tenants, and are hardly able to maintain themselves? Besides, this is not all; — for the prejudice goes not only privatively from thence, in that they cannot give the assistance they ought; but positively, in that they have been a greater burden to the kingdom since, by the gifts and pensions they have received, nay, they will even stand in need to receive more for the future support of their dignities. This makes the duke's offence greater, that, in this weakness and consumption of the state, he hath not been content alone to consume the public treasure, which is the blood and nourishment of the state, but hath brought in others to help him in this work of destruction; and, that they might do it the more eagerly by enlarging their honour, he hath likewise enlarged their necessities and appetites." With several precedents from early reigns, clearly and forcibly urged to the house, in proof that "when men are called to honour, and have not livelihood to support it, it induceth great poverty, and causeth briberies, extortions, embraceries, and maintenance." Pym concluded his "aggravation" of this article.

He now desired the twelfth article to be read, embodying various charges of embezzlement in various ways, both of money and land; and then, having subdivided these charges into separate branches, he presented each to the attention of the house with such popular clearness and brevity, and in such a natural and lucid order, that what must otherwise have been confused and unintelligible to all save those peers who were thoroughly versed in the nicest distinctions of property and technicalities of law, took, from the style of Pym, a remarkable simplicity and plainness. In speaking of the lands which the duke had procured, with unusual conditions of favour, from the crown; and urging the monstrous grievance, "that in a time of necessity, so much land should be conveyed to

a private man;" — the orator interposed thus: "And because the commons aim not at judgment only, but at reformation, they wish that, when the king bestows any lands for support of honours, those ancient cautions might be revived, of annexing the land to the dignity (lest, being wasted, the party returns to the crown for a new support); by which provision the crown will reap this benefit,—that as some lands go out by new grants, others will come in by extinct entails." Observing next upon the unusual clauses inserted in these grants for the duke, Pym directed their lordships' attention more especially to "the surrender of divers parcels of those lands back to the king, after he had held them some years, and taking others from the king in exchange. Hence," continued he, "the best of the king's lands, by this course, being passed away, the worst remained upon his hand; so that, having occasion to raise money, such lands could not supply him. Opportunity was also hereby left to the duke to cut down woods, to enfranchise copyholders, to make long leases; and yet, the old rent remaining still, the land might be surrendered at the same value. Whether this be done I am uncertain, not having time to examine; but I recommend it to your lordships to inquire after it; and the rather, for that the manor of Couphill, in Lincolnshire, was so dismembered, and by a surrender turned back to the king." In the next branch of his subject, a favourite style of embezzlement with Buckingham was admirably handled, — that of selling the king's lands, and causing tallies to be struck for the money paid, as if it had really gone into the exchequer, whereas it had notoriously been received by the duke. "Divers parcels of land were sold and contracted for by his own agents, and the money received to his own use; and yet tallies struck as if the monies had come into the exchequer. This is to be proved by his own officers, by the officers of the exchequer, and by the tallies themselves, which tallies amount to 44,090*l.* 5*s.* Whence I observe, 1. That there ran one thread of

falsehood towards the king, through all his dealings. 2. That it was a device to prevent the wisdom of parliament, if it should be thought fit, from making a resumption; for, by these means, these grants seem to have the face of a valuable consideration, whereas they were free gifts. 3. If the title of these lands prove questionable, yet, it appearing by record as if the king had received the money, he was bound in honour to make the estate good; and yet the duke had the profit."

Alluding afterwards to Buckingham's gross practice of procuring, under pretence of secret service, great sums to be issued by privy seals to sundry of his creatures, Pym thus, with earnest gravity, — in a speaker whose style was less steady and deliberative it would have passed for severity or passion, — hinted at the punishment which such practices might require. "The quality of the fault," he said, "I leave to your lordships. I leave to your lordships the proportion of judgment in which you will rate it; — whether to that crime, which, in the civil law, is called *crimen peculatus*: — which was when any man did unjustly turn to his own use that money, which was either *sacra*, dedicated to God's service; or *religiosa*, used about funerals or monuments of the dead; or *publica*, as the business now in question is, — the rather, because the public treasure was held in the same reputation with that which was dedicated to God and religion. This offence — *crimen peculatus* — by that law, was death and confiscation. Or whether your lordships will think it to carry proportion with that crime, which is called in the civil law, *crimen falsi*: — and is defined to be when any shall *simulatione veri suum compendium, alieno dispendio, facere*, viz. by semblance of truth make gain to himself out of others' losses; which, in the case of a bondman, was death, and, in the case of other men, was banishment and confiscation, as the nature of the fact required. Or whether your lordships will esteem it according to the sentence of the starchamber ordinary, in cases of fraud: — or according to the common law, which so much detests

this dealing, which they term *covin*, as it doth vitiate ordinary and lawful actions. Or, lastly, whether your lordships will estimate it *according to the duke's own judgment in his own conscience*. For direct actions are not afraid to appear open-faced, but ill dealings desire to be masked with subtilty and closeness. And therefore it were even offence sufficient, were there no more than a cunning concealing of what he received from the king: — since that argues either guilt of unthankfulness, in hiding his master's bounty; guilt of unworthiness, as if he durst not avow the receipt of that which he had not merited; or guilt from fear of punishment, by these inquisitions into his actions which now are come to pass."

One extract more, — in reference to the great danger that had been done to the state in the confusion betwixt the king's estate and Buckingham's, by the duke's practices of falsifying the records and entries, — will illustrate the quarter from which Pym doubtless derived his admirable habits of business and order. "By the wisdom of the law, in the constitution of the exchequer, there be three guards set upon the king's treasurer and accompts. The first is a legal impignoration, whereby the estates, personal and real, of the accomptants, are made liable to be sold for the satisfaction of their debts. The second is an act of controulment, that the king relies not upon the industry nor sincerity of any one man; but, if he fail in either, it may be discovered by the duty of some other officer, sworn to take notice of it. The third is an evidence and certainty; not for the present time only, but of perpetuity; because the king can neither receive nor pay any thing but by record. All these ways have been broken by the duke of Buckingham, both in the case next before recited, and in these that follow. The custom of the exchequer, my lords, is the law of the kingdom, for as much as concerneth the revenue. Now every breach of that law, by particular offence, is punishable; but such an offence, as is the destruction of the law itself, is of a far higher nature." Pym next

alluded to "two privy seals of release, — the one the 16th, the other the 20th Jac., — concerning divers sums secretly received to his majesty's use, but by virtue of these releases to be converted to the duke of Buckingham's own profit; the proof whereof is referred to the privy seals themselves," — and thus continued: "Hence, my lords, appear the duke's subtilties, by which he used to wind himself into the possession of the king's money; and to get that by cunning steps and degrees, which, peradventure, he could not have obtained at once. A good master will trust a good servant with a greater sum than he would give him; yet after, when it is out of his possession, will be drawn the more easily to release him from accounting for it, than to have made it a free gift at first."

Having gone through the various charges in detail, Pym now presented to the house in one mass, the gross amount in money and land absorbed from the public estate by Buckingham, and afterwards summed up his share of the great duty that had been assigned to him by the house of commons, in this grave and deliberate manner. — "This is a great sum in itself, but much greater by many circumstances. If you look upon the time past, never so much came into any one private man's hands out of the public purse. If you respect the time present, the king had never so much want, never so many occasions, foreign, important, and expensive. The subjects have never given greater supplies; and yet those supplies are unable to furnish those expenses. But as such circumstances make that sum the greater, so there are other circumstances which make the sum little, if it be compared with the inestimable gain the duke hath made by the sale of honours and offices, and projects hurtful to the states both of England and Ireland; or if it be compared with his own profuseness. Witness, notwithstanding this gift, his confession before both houses of parliament to be indebted 100,000*l.* and above. *If this be true, how can we hope to satisfy his immense prodigality? if false, how*

can we hope to satisfy his covetousness? And, therefore, no wonder the commons so earnestly desire to be delivered from such a grievance. I shall now produce the precedents of your lordship's predecessors. Precedents they are in kind; but not in proportion; for, in that view, there are no precedents. The first is the 10th Rich. II., which was in the complaint against Michael de la Pole, earl of Suffolk, out of which I shall take three articles. The first, that being chancellor and sworn to the king's profit, he had purchased divers lands from the king, more than he had deserved, and at an under rate. The second, that he had bought an annuity of 50*l.* per annum, which grant was void; and yet he procured the king to make it good. The third, whereas the master of St. Anthony's being a schismatic, had forfeited his estate into the king's hands, this earl took it in farm at 20 marks the year; converting the overplus, which was 1000 marks, to his own benefit, which should have come to the king. The next precedent is one of the 11th Rich. II., out of the judgment against Robert de Vere, and others, out of which I shall take two articles, the fifth and seventh. The fifth was for taking lands and manors annexed to the crown, whereby they themselves were enriched, and the king made poor. The seventh was intercepting the subsidies granted for the defence of the kingdom. The third precedent is 28 Hen. VI., in the parliament roll, out of the complaint against William duke of Suffolk, — to the effect that, being next and privatest of council to the king, he had procured him to grant great possessions to divers persons, whereby the king was much impoverished; the expense of his house unpaid; wages, the wardrobe, castles, navy debts, unsatisfied; — and so, by his subtile counsel and unprofitable labour, the revenues of the crown, of the duchy of Lancaster, and of other the king's inheritances, so diminished, and the commons of the realm so extremely charged, that it was near a final destruction: and, moreover, that the king's treasure was so mischievously diminished to himself, his

friends, and well-wishers, that, for lack of money, no armour nor ordnance could be provided in time.—These precedents, my lords, the commons produce as precedents in kind, but not in proportion; and, since these great persons were not brought to judgment upon these articles alone, you will observe this as a just conclusion:—that ravening upon the king's estate is always accompanied with other great vices. All these considerations I humbly submit to your lordships' great wisdom; and conclude with hoping, that, as this great duke has so far exceeded all others in his offences, he may not fall short of them in punishment."[1]

The result of this great movement against Buckingham, the abrupt dissolution of the second parliament, and the disastrous events that followed, have been sufficiently placed before the reader. Pym was thrown into prison, and only again released on his return to the third parliament for Tavistock. In that memorable third parliament, his exertions were only second to

[1] See the Old Parliamentary History, vol vii. pp 123—139 The recent editors of the Parl Hist have entirely omitted this striking speech. I cannot resist subjoining, in this note, a very remarkable list of precedents similar to those urged by Pym, which were furnished by sir Robert Cotton, when sitting in the previous parliament at Oxford "I will tell you what I have found, since this assembly at Oxford, written by a reverend man, twice vice-chancellor of this place: his name was Gascoign — a man that saw the tragedy of De la Pole. He tells you that the revenues of the crown were so rent away by ill counsel, that the king was enforced to live *de tallagiis populi*, and was grown in debt *quinque centena millia librarum*; that his great favourite, in treating a foreign marriage, had lost his master a foreign duchy; that, to work his ends, he had caused the king to adjourn the parliament *in villis et partibus remotis regni*, where few people, *propter defectum hospitii et victualium*, could attend, and by the shifting that assembly from place to place to enforce (I use the author's own words) *illos paucos qui remanebant de communitate regni concedere regi quamvis pessima*. It was," says he, in conclusion, "a speeding article against the bishop of Winchester and his brother, in the time of Edward III., that they engrossed the person of the king from his other lords It was not forgotten against Gaveston and the Spencers in the time of Edward II. The unhappy ministers of Richard II, Henry VI., and Edward VI, felt the weight, to their ruin, of the like errors I hope we shall not complain in parliament again of such. I am glad we have neither just cause nor undutiful dispositions to appoint the king a council to redress those errors in parliament, as those 42 Henry III. We do not desire, as 5 Henry IV., or 29 Henry VI, the removing from about the king any evil counsellors. We do not request a choice by name, as 14 Edward II, 3, 5, 11 Richard II., 8 Henry IV., 31 Henry VI.; nor to swear them in parliament, as 35 Edward I., 9 Edward II., 5 Richard II, or to line them out their directions of rule, 43 Henry III. and 8 Henry VI." This sort of display of learning has a wonderful significancy of meaning beneath it. See History 15. from Macintosh, vol. v. p. 10—11

those of Eliot. With that great patriot and statesman, indeed, Pym went hand in hand[1]; and his deference to Eliot's powers was only less admirable than the extent and capacity of his own.

When, after the first debate on grievances, in which the member for Tavistock did not fail to distinguish himself, the motion for granting five subsidies was brought forward, in accordance with the noble plan of operations determined upon by Eliot, and already fully described in my account of his exertions; it was Pym who urged most emphatically upon the house the necessity of the immediate grant. "In business of weight," he said, "dispatch is better than discourse. We came not hither without all motives, that can be, towards his majesty. We must add expedition to expedition; let us forbear particulars. A man in a journey is hindered by asking too many questions. To give speedily is that which the king calls for. 'A word spoken in season is like an apple of gold set in pictures of silver;' and actions are more precious than words. Let us hasten our resolutions to supply his majesty."[2] Now it might really have been upon such words as these, spoken with a view to give effect to the noble and temperate policy which was thought necessary for the achievement of the petition of right, that lord Clarendon afterwards ventured[3], in his indulgence of revengeful spleen against the memory of Pym, to ground his famous accusation that, at a particular time, "Mr. Pym made some overtures to provide for the glory and splendour of the crown; in which he had so ill success, that his interest and reputation visibly abated." The time named by the historian is, indeed,

[1] Pym was the only man in the house of commons who seemed to have a perfect understanding with Eliot as to the course of his intentions towards Buckingham, and, in prosecuting the matter in such a way as to give the greatest possible effect to Eliot's policy, he showed himself master of the same large ulterior views. When the news of the arrest of Eliot was carried to the house of commons, Pym was the only person present who did not seem startled out of his self-possession. In the midst of tumultuous shouting and cries for instant adjournment, his voice was heard counselling judgment and temper. See Journals, May 12 1626.

[2] Parl Hist. vol. vii. p. 430.

[3] See Hist. of Rebellion, vol. iv. p. 438.

much later; but the speech which has just been quoted is about the best semblance of authority for such a charge that can be found on the debates or journals of the house of commons [1]; and it will scarcely be maintained that, in the absence of such corroborative authority, lord Clarendon's assertion upon such a matter is entitled to the smallest weight. [2]

Certainly the court was soon fated to be undeceived, if it had ever persuaded itself to construe these words of the patriot leader into a shrinking or relenting from the popular cause. Pym's activity in searching every possible quarter for precedents during the preparation of the petition of rights, was marked and incessant; he was said, by sir Edward Coke, to have examined every state paper in the manuscript collections at Lambeth. Equally indefatigable were his exertions during the progress of that great measure through the houses; and many of the wretched expedients [3] vainly resorted to by Charles, day by day, and week by week, to elude the purpose or weary out the perseverance of his opponents, were defeated by Pym's address and courage. When secretary Cooke carried down Charles's brief and peremptory message to the house, desiring to know whether they would, or would not, rest upon his royal word [4], it was Pym's voice which broke the long silence that followed the startling question. He rose and said, with consummate presence of mind, and admirable temper, — "We have his majesty's coronation oath to maintain the laws of England — what need we then to take his word?" and afterwards quietly proposed to move "whether we should take the king's word or no?" Old Cooke upon this started from his seat with the indignant question, — "What would they say in foreign

[1] I have carefully examined them all with this view; and may here remark, that were I to give only the names of the numberless committees of which Pym was the leading member through all the parliaments of Charles, I might fill half this volume with such details alone. His habits of business must have been wonderful indeed!

[2] See post, p. 152. — *note.* The speech there referred to is not upon the journals.

[3] They are all described in the Life of Eliot.

[4] "Upon this there was silence for a good space." — See Rushworth, vol. i. p. 553.; Parl. Hist. vol. xviii. p. 95.; Life of Eliot, p. 68.

parts, if the people of England refused to trust their king?"—"Truly," rejoined Pym quickly, "truly, Mr. Speaker, I am just of the same opinion I was — namely, that the king's oath is as powerful as his word." Eliot then came to the assistance of Pym, and the dishonest message was rejected.[1] So, when the petition of rights itself was sent down from the house of lords with the addition of the saving clause proposed by Williams, to the effect that "they would leave entire the SOVEREIGN POWER with which his majesty was trusted, for the protection, safety, and happiness of the people," Pym rose from his seat, and uttered these remarkable words: — "I am not able to speak to this question. I know not what it is. All our petition is for the laws of England, and this 'power' seems to be another distinct power from the power of the law. I know how to add sovereign to the king's person, but not to his power. We cannot 'leave' to him a sovereign power, for we never were possessed of it."[2] The issue has been fully described.

Great as Pym's exertions were, however, during the progress of the petition of right, we do not find that they in any way served to abate his attendance on the various religious committees of this famous session, at all of which he sat as chairman. An ingenious admirer of Charles I. has, in allusion to this, observed: — 'The profound politicians among the patriots, as Pym and Hampden, now allied themselves to the religionists. The factions at first amalgamated, for each seemed to assist the other, and, while the contest was doubtful, their zeal, as their labours, was in common. Religion, under the most religious of monarchs, was the ostensible motive by which the patriots moved the people. When on one occasion it was observed, that the affairs of religion seemed not so desperate that they should wholly engross their days, Pym replied, that they must not abate their ardour for the true religion, that being the most certain end to obtain their purpose and maintain

[1] Sloane MSS. 4177. [2] Parl. Hist. vol. viii. p. 118

their influence."[1] This is not correctly stated; since no such alliance, except in so far as the objects of both parties could not be kept apart, was at this time formed. Pym was never, at any period of his life, a nonconformist; he died, as he had lived, in the discipline no less than in the faith of the pure English church, "a faithful son of the protestant religion."[2] It is true that he was the means of exacting from the country party in the house of commons a greater attention than they had before been used to pay to matters of religious faith and doctrine; but with what aim?—not, most surely, to inflame the religious passions of the people, or to strengthen any set of dissenters from the church, but to assault, through the sides of court-divines, the strongest holds of absolute power. The sect of the puritans was not increased by Pym's exertions. It was the good work of Laud, and of such as Laud, to enlist upon their side the deepest sympathies of even the most sober sections of the English people; who thought it hard indeed that vast numbers of high-minded, industrious, and conscientious men, firmly attached to the laws of England, should be driven from their native soil, or harassed in property and estate, or mutilated in person, only for scrupling to comply with a few indifferent ceremonies that had no relation to the favour of God, or to the practice of virtue. Laud puritanized England. Pym's share in the work, as well as his general principle of parliamentary interference in religious affairs, will be best explained by his speech in the case of doctor Mainwaring.

While the house of commons were deliberating, in distrust and resentment, on the king's first answer to the petition of right, which had just been presented to them, Pym seized the occasion of carrying up to the house of lords a "declaration" against Mainwaring. During the last interval of parliament; this divine, one of the royal chaplains, had rendered himself notorious

[1] D'Israeli's Commentaries on the Life of Charles the First, vol. iii. p. 296—297

[2] His own words See Rushworth's Collections, vol. v. p. 377.

by the slavish doctrines of his sermons. In obedience to Laud's instructions[1] to the clergy to "preach the loan," he had delivered two infamously servile discourses, with a view to show that the king could make laws and do whatsoever pleased him; that he was not bound by any pre-existing law respecting the rights of the subject; and that his sole will in imposing taxes without the consent of parliament, obliged the subjects' conscience, on pain of eternal damnation."[2] One extract from these effusions will show their style and character. "Of all relations, the first and original is *between the Creator and the creatures;* the next between husband and wife; the third between parents and children; the fourth between lord and servants; *from all which* forenamed respects there doth arise that most high, sacred, and *transcendant* relation between king and subject."

On Wednesday, the 4th of June, Pym presented himself to the lords, as the accuser of Mainwaring. He began by saying, that he should speak to this cause with more confidence, because he saw nothing to discourage him. "If I consider the matter," he continued, "the offences are of a high nature, and of easy proof; if I consider your lordships, who are the judges,—your own interest, your own honour, the examples of your ancestors, the care of your posterity, all will be advocates with me in this cause, on the behalf of the common-

[1] These instructions commenced thus. They were drawn up by Laud in the name of the king.—"We have observed, that the church and the state are so nearly united and knit together, that, though they may seem two bodies, yet, indeed, in some relation they may be accounted but as one, inasmuch as they are both made up of the same men, which are differenced only in relation to spiritual or civil ends. This nearness makes the church call in the help of the state to succour and support her, whensoever she is pressed beyond her strength. And the same nearness makes the state call in for the service of the church, both to teach that duty which her members know not, and to exhort them to, and encourage them in, that duty which they know It is not long since we ordered the state to serve the church, and, by a timely proclamation, settled the peace of it; and now the state looks for the like assistance from the church, that she and all her ministers may serve God and us by preaching peace and unity at home, that it may be the better able to resist foreign force uniting and multiplying against it." Who can doubt the design so plainly intimated in this passage, of a crusade of church and state against the people's liberties?

[2] Whitlocke's Memorials, p. 8—10.

wealth. And when I consider the king our sovereign— the pretence of whose service and prerogative might, perchance, be sought unto as a defence and shelter for this delinquent — I cannot but remember *that part* of the king's answer to the petition of right of both houses, 'that his majesty held himself bound in conscience to preserve their liberties,' which this man would persuade him to impeach. Nor, my lords, can I but remember his majesty's love to piety and justice, manifested upon all occasions; *and I know Love to be the root and spring of all other passions and affections. A man therefore hates, because he sees somewhat, in that which he hates, contrary to that which he loves; a man therefore is angry, because he sees somewhat in that wherewith he is angry, that gives impediment and interruption to the accomplishment of that which he loves.*[1] If this be so, by the same act of apprehension, by which I believe his majesty's love to piety and justice, I must needs believe his hate and detestation of this man, who went about to withdraw him from the exercise of both."

After this very striking commencement, Pym proceeded to that which he said was the task enjoined him; — "To make good every clause of that which had been read unto them; which, that he might the more clearly perform, he proposed to observe that order of parts, into which the said declaration was naturally dissolved. — 1.

[1] Mr. Browning has worked upon the same noble thought in his poem:—

* * * "All love renders wise
In its degree, from love which blends with love —
Heart answering heart — to that which spends itself
In silent mad idolatry of some
Pre eminent mortal — some great soul of souls —
Which ne'er will know how well it is adored!
* * Love is never blind, but rather
Alive to every the minutest spot
That mars its object, and which hate (supposed
So vigilant and searching) dreams not of.
* * * Trust me,
If there be friends who seek to work our hurt,
To ruin and drag down earth's mightiest spirits,
Even at God's foot, 't will be from such as love —
Their zeal will gather most to serve their cause,
— And least from those who hate."

Paracelsus, part 3.

Of the preamble. 2. The body of the charge. 3. The conclusion, or prayer of the commons.

"The preamble consisted altogether of recital,—*first*, of the inducements upon which the commons undertook this complaint; *second*, of those laws and liberties against which the offence was committed; *third*, of the violation of those laws which have relation to that offence. Now," he continued, "from the connection of all these recitals, it was to be observed that there did result three positions, which he was to maintain as the ground-work and foundation of the whole cause. The *first*, that the form of government, in any state, could not be altered without apparent danger of ruin to that state. The *second*, that the law of England, whereby the subject is exempted from taxes and loans not granted by common consent of parliament, was not introduced by any statute, or by any charter or sanction of princes; but was the ancient and fundamental law, issuing from the first frame and constitution of the kingdom. The *third*, that this liberty of the subject is not only most convenient and profitable for the people, but most honourable and necessary for the king; yea, in that very point of supply, for which it was endeavoured to be broken.

"As for the first position—the best form of government is that which doth actuate and dispose every part and member of a state to the common good; and as those parts give strength and ornament to the whole, so they receive from it again strength and protection in their several stations and degrees. If this mutual relation and intercourse be broken, the whole frame will quickly be dissolved, and fall in pieces; for whilst, instead of this concord and interchange of support, one part seeks to uphold the old form of government, and the other part to introduce a new, they will miserably consume and devour one another. Histories are full of the calamities of whole states and nations in such cases. But it is equally true that time must needs bring about some alterations, and every alteration is a step and degree

towards a dissolution: those things only are eternal which are constant and uniform. Therefore it is observed by the best writers on this subject, *that those commonwealths have been most durable and perpetual which have often reformed and recomposed themselves according to their first institution and ordinance;* for, by this means, they repair the breaches, and counterwork the ordinary and natural effects of time.

"The second is as manifest. There are plain footsteps of those laws in the government of the Saxons: *they were of that vigour and force as to overlive the Conquest; nay, to give bounds and limits to the Conqueror;* whose victory only gave him *hope,* but the assurance and possession of the crown he obtained by composition; in which he bound himself to observe these and the other ancient laws and liberties of the kingdom, and which afterwards he likewise confirmed by oath at his coronation; and from him the said obligation descended to his successors. It is true they have been often broken, and they have been often confirmed by charters of kings, and by acts of parliaments; but the petitions of the subjects, upon which those charters and acts were founded, were ever PETITIONS OF RIGHT, *demanding their ancient and due liberties, not suing for any new.*

"To clear the third position may seem to some men more a paradox,—that those liberties of the subject should be so convenient and profitable to the people, and yet most necessary for the supply of his majesty. But surely," he said, "if those liberties were taken away, there would remain no more industry, no more justice, no more courage; *for who will contend, who will endanger himself, for that which is not his own?* And yet," he added, "he would not insist upon any of those points, nor upon others equally important; but only observe, that if those liberties were taken away, there would remain no means for the subjects, by any act of bounty or benevolence, to ingratiate themselves with their sovereign." And, in reference to this point, he desired their lordships to remember "what profitable prerogatives

the laws had at various times appointed for the support of sovereignty; as wardships, treasures-trouve, felons' goods, fines, amercements, and other issues of courts, wrecks, escheats, and many more, too long to be enumerated; which, for the most part, are now, by charters and grants of several princes, dispersed into the hands of private persons; and that, besides the ancient demesnes of the crown of England, William the Conqueror did annex to the crown, for the better maintenance of his estate, great proportions of those lands which were confiscate from those English who persisted to withstand him; of which, notwithstanding, very few remain at this day in the king's possession; yet also, since that time, the revenue of the crown hath been supplied and augmented by attainders and other casualties; and, in the age of our fathers, by the dissolution of monasteries and chantries, of which near a third part of the whole land came into the king's possession." He remembered further, that constant and profitable grant of the subjects in the act of tonnage and poundage. "But of what avail," he added, "have all these grants and prerogatives been? They were now so alienated, anticipated, or overcharged with annuities and assignments, that no means were left for the pressing and important occasions of the time but one, and that one the voluntary and free gift of the subjects in parliament. It is that which is now assailed; but trust me, my lords," Pym exclaimed, "*the hearts of the people, and their bounty in parliament, are the only constant treasure and revenue of the crown, which cannot be exhausted, alienated, anticipated, or otherwise charged and encumbered!*"

There is nothing more remarkable in the speeches of Pym than what may be emphatically termed their *wisdom.* This will have frequent and abundant illustration in the course of this memoir. Never, in the most excited moments of even his latter life, did he seem other than far removed above the idle clamours of party, and the little views of the "ignorant present;" while with this he could combine, at will, the most im-

mediate and most practical resources of the orator. For the wisdom I have spoken of was, as it always is with the greatest men, a junction of the plain and practical with the profound and contemplative; to such an extent, however, in his case, and in such perfection, as may not be equalled in that of any other speaker of ancient or modern time, with the single exception of Burke. Hence his speeches were not simply a present achievement of the matters he had in hand, but a grand appeal, on their behalf, to the enlightened judgment of the future; and the presenting the more prominent passages of them thus, for the first time, to the attention and admiration of his fellow-countrymen, is no less to discharge a very tardy act of justice to his memory, than to furnish the most striking, and, as it were, living materials, for a judgment on the great times in which he lived.

After a farther homiletic subdivision of his subject, a practice of which he was extremely fond, and which gave a certain weight and scholastic formality to the commonest point he touched on, Pym proceeded at great length through the second grand division of his speech, step by step; to "show the state of the case as it stood both in the charge and the proof;" to "take away the pretensions of mitigation and limitation of his opinions urged by the Doctor in defence;" to "observe circumstances of aggravation;" and "to propound some precedents of former times; wherein, though he could not match the offence now in question, yet he should produce such as should sufficiently declare how forward our ancestors would have been in the prosecution and condemning of such offences, if they had been then committed." The materials of the charge, he observed, were contrived into three distinct articles. The first of these comprehended two clauses. "First, That his majesty is not bound to keep and observe the good laws and customs of the realm, concerning the right and liberty of the subject to be exempted from all loans, taxes, and other aids laid upon them

without common consent in parliament. Second, That his majesty's will and command, in imposing any charges upon his subjects without such consent, doth so far bind them in their consciences that they cannot refuse the same without peril of eternal damnation!" Two kinds of proof were produced upon this article. "The first was from assertions of the Doctor's, concerning the power of kings in general; but, by necessary consequence, to be applied to the kings of England. The next was from his Censures and Determinations upon the particular case of the late loan; which, by necessity and parity of reason, were likewise applicable to all cases of a like nature. And lest, by frailty of nature, he might mistake the words, or invert the sense, he desired leave to resort to a paper, wherein the places were carefully extracted out of the book itself."

And then he read each particular clause, pointing to the page for proof, and afterwards proceeded and said: — that from this evidence of the fact doth issue a clear evidence of his wicked intention to misguide and seduce the king's conscience, touching the observations of the laws and liberties of the kingdom; and to scandalize and impeach the good laws and government of the realm, and the authority of parliaments. "Now, my lords," continued Mr. Pym, "if to give the king ill counsel in one particular action hath heretofore been heavily punished in this high court, how much more heinous must it needs be thought to pervert and seduce, by ill counsel, his majesty's *conscience* — that sovereign principle of all moral actions in man, from which they are to receive warrant for their direction before they be acted, and judgment for their reformation afterwards! If scandalum magnatum — slander and infamy cast upon great lords and officers of the kingdom — has been always most severely censured, *how much more tender ought we to be of that slander and infamy which is here cast upon the laws and government, from whence are derived all the honour*

and reverence due to those great lords and magistrates! All men, my lords, and so the greatest and highest magistrates, are subject to passions and partialities, whereby they may be transported into over-hard injurious crosses; and though these considerations can never justify, they may sometimes excuse, the railing and evil speeches of men who have been so provoked; it being a true rule, that whatsoever gives strength and inforcement to the temptation in any sin, doth necessarily imply an abatement and diminution of guilt in that sin. But to slander and disgrace the laws and government, is without possibility of any such excuse; *it being a simple act of a malignant will, not induced nor excited by any outward provocation; for the laws carrying an equal and constant respect to all, ought to be reverenced equally by all.*" And thus he derived the the proofs and enforcements upon the first article of the charge.

In the same strain of grave and lofty eloquence Pym urged the second and third articles of the impeachment, and then observed, with conclusive effect, upon Mainwaring's attempted limitations of his doctrines. The Doctor had pleaded, for instance, among other things, that "he did not attribute to the king any such absolute power as might be exercised at all times, or upon all occasions, but only upon necessity extreme and urgent;" and to this Pym answered: "That it is all one to leave the power absolute, and to leave the judgment arbitrary when to execute that power; for, although these limitations should be admitted, yet it is left to the king alone to determine what is an urgent and pressing necessity, and what is a just proportion, both in respect of the ability and of the use and occasion; and what shall be said to be a circumstance, and what the substance, of the law. Thus the subject is left without remedy; and, the legal bounds being taken away, no private person shall be allowed to oppose his own particular opinion, in any of these points, to the king's resolution; so that all these limit-

ations, though specious in shew, are in effect fruitless and vain."

Having answered, in the same easy strain, all Mainwaring's flimsy defence, he now took up some "circumstances of aggravation," and presented them to the lords. The remark he makes on the fact of some of these sermons having been preached before the "king and court at Whitehall," is very singular and significant.

"The first," he said, alluding to the circumstances of aggravation, "was from the place where these sermons were preached — the court, the king's own family, *where such doctrine was before so well believed that no man need to be converted.* Of this there could be no end, but either simoniacal, by flattery and soothing to make way for his own preferment; or else extremely malicious, to add new afflictions to those who lay under his majesty's wrath, disgraced and imprisoned, and thus to enlarge the wound which had been given to the laws and liberties of the kingdom. The second was from the consideration of his holy function. He is a preacher of God's word; and yet he had endeavoured to make that, which was the only rule of justice and goodness, to be the warrant for violence and oppression. He is a messenger of peace; but he had endeavoured to sow strife and dissension, not only among private persons, but even betwixt the king and his people, to the disturbance and danger of the whole state. He is a spiritual father; but, like that evil father in the gospel, he hath given his children stones instead of bread; instead of flesh he hath given them scorpions. Lastly, he is a minister of the church of England, but he hath acted the part of a Romish jesuit: they labour our destruction, by dissolving the oath of allegiance taken by the people; he doth the same work, by dissolving the oath of protection and justice taken by the king."

With the same eloquent boldness he next observed, as a circumstance of aggravation, that the authors quoted by Mainwaring in support of his doctrines were "for the most part friars and jesuits;" and, worse than this,

that he had been guilty of "fraud and shifting in citing even those authors to purposes quite different from their own meanings." In this portion of his great task, Pym gave some memorable illustrations of the labour and learning he had applied to it; only one very short specimen of which may be given here.—"In the twenty-seventh page of his first sermon," Mr. Pym continued, "he cites these words, *Suarez de Legibus, lib.* v. *cap.* 17.: *Acceptationem populi non esse conditionem necessariam, ex vi juris naturalis aut gentium, neque ex jure communi.* Now the jesuit adds, *Neque ex antiquo jure Hispaniæ*, which words are left out by the Doctor, lest the reader might be invited to inquire what was *antiquum jus Hispaniæ;* though it might have been learned from the same author, in another place of that work, that about two hundred years since this liberty was granted to the people by one of the kings, that no tribute should be imposed without their consent; — and this author adds further, that after the law is introduced, and confirmed by custom, the king is bound to observe it." From this place Pym took occasion to make this short digression. "*That the kings of Spain, being powerful and wise princes, would never have parted with such a mark of absolute royalty if they had not found in this course more advantage than in the other; and the success and prosperity of that kingdom, through the valour and industry of the Spanish nation, so much advanced since that time, do manifest the wisdom of the change.*" It would be scarcely possible to illustrate Pym's courage and high-minded indifference to popular prejudice better than by these few words in praise of the Spanish nation, at that time the object of universal execration with the English people.

As a concluding point of aggravation, Pym now mentioned the circumstance of Mainwaring's having repeated, "in his own parish church of St. Giles," the very offensive doctrines originally charged against him, "even since the sitting of parliament and his being questioned in parliament;" and then "desired the lords that this

circumstance might be carefully considered, because the commons held it to be a great contempt offered to the parliament, for him to maintain that so publickly which was here questioned. A great presumption, they held it, for a private divine to debate the right and power of the king; which is a matter of such a nature as to be handled only in this high court, and that with moderation and tenderness."

Pym now, in conclusion, produced some such precedents as might testify what the opinion of our ancestors would have been, if this case had fallen out in their time; and herein, he said, "he would confine himself to the reigns of the first three Edwards, two of them princes of great glory:" he began with the eldest.—West. I. cap. 34. "By this statute, 3 Edw. I., provision was made against those who should tell any false news or device, by which any discord or scandal may arise betwixt the king, his people, and great men of the kingdom. By 27 Edward I. (Rot. Parl. n. 20.) it was declared by the king's proclamation, sent into all the counties of England, that they that reported that he would not observe the great charter were malicious people; who desired to put trouble and debate betwixt the king and his subjects, and to disturb the peace and good estate of the king, the people, and the realm. In 5 Edward II. (Inter novas Ordinationes), Henry de Beamond, for giving the king ill counsel against his oath, was put from the council, and restrained from coming into the presence of the king under pain of confiscation and banishment. By 19 Edward II. (Clause, Mem. 26. indors.), commissions were granted to inquire upon the statute of West. I. touching the spreading of news, whereby discord and scandal might grow betwixt the king and his people. In 10 Edw. III. (Clause, M. 26.) proclamation went out to arrest all of those who had presumed to report that the king would lay upon the woods certain sums, besides the ancient and due customs; where the king calls these reports 'exquisita mendacia, &c. quæ non tantum in publicam læsionem, sed in nostrum cedunt damnum,

et dedecus manifestum.' In 12 Edward III. (Rot. Almaniæ), the king writes to the archbishop of Canterbury, excusing himself for some impositions which he had laid, professing his great sorrow for it; desires the archbishop, by indulgences and other ways, to stir up the people to pray for him; hoping that God would enable him, by some satisfactory benefit, to make amends, and comfort his subjects for those pressures." Having added to these temporal precedents one or two from ecclesiastical records, Pym presented to their lordships the following result to be collected from them: —" If former parliaments were careful of false rumours and news, they would have been much more tender of such doctrines as these, which might produce great occasions of discord betwixt the king and his people. If those who reported the king would lay impositions and break his laws, were thought such heinous offenders, how much more should the man be condemned who persuaded the king he is not bound to keep those laws! If *that great king* Edward was so far from challenging any right in this kind, that he professed his own sorrow and repentance for grieving his subjects with unlawful charges — if confessors were enjoined to frame the conscience of the people to the observances of these laws,— certainly such doctrines as those of Mainwaring, and such a preacher as this, would have been held most strange and abominable in all those great times of England!"

Then, having recited the prayer of the commons, desiring Mainwaring to be brought to examination and judgment, Pym concluded —" That seeing the cause had strength enough to maintain itself, his humble suit to their lordships was, that they would not observe his infirmities and defects, to the diminution or prejudice of that strength.[1]"

Laud trembled at the effects of this speech, and even expressed to the king his alarm for an impeachment

[1] I have collected this speech from various documents; but a fair report will be found in the Old Parliamentary History, vol. iii. pp. 171—189.

against himself; but Charles told him to be under no uneasiness, till he saw him forsake his other friends.[1] Yet even Charles winced from an open defiance of the manifest feeling excited by Pym, and for a time pretended to yield up Mainwaring to the judgment of parliament. "Truly," says Sanderson[2], "I remember the king's answer to all,—'he that will preach other than he can prove, let him suffer; I give them no thanks to give me my due;' and so, being a parliament business, he (Mainwaring) was left by the king and church to their sentence." Immediately after the passing of the petition of right, that sentence was pronounced by the upper house; and, in spite of Mainwaring's tears and affected penitence, to say nothing of his impudent hypocrisy, he was condemned to imprisonment during the pleasure of parliament; to be fined a thousand pounds to the king; to make a submission, both in writing and personally, at the bar of the house, and also at the bar of the commons; to be suspended from the ministry for three years; and to be incapable of ever holding an ecclesiastical dignity or secular office, or of preaching at court. Lastly, the peers ordered his sermons to be burnt.[3] "A heavy sentence, I confess," observes Heylin[4], "but such as did rather affright than hurt him. For his majesty looking on him in that conjuncture as one that suffered in his cause, preferred him first to the parsonage of Stamford-Rivers in Essex (void not long after by *the promotion of Montagu* to the see of Chichester), afterwards to the deanery of Worcester, and, finally, to the bishopric of St. David's. *This wa indeed the way to have his majesty well served,* but such as created him some ill thoughts towards the commons for his majestie's indulgence to him."

These disgraceful promotions, strengthened by the translation of Laud himself to the see of London, took place during the prorogation of parliament, and the

1 Heylin's Life of Laud, p 171 See also Laud's Diary
2 Life of Charles the First p 115.
3 Parl Hist. vol viii. p 151. &c. Rushworth, vol. i. p. 585—593.
4 Life of Laud, p. 180.

feelings with which the commons reassembled in consequence have already been described.[1] Pym took an active part in their debates on the spread of Arminianism, and spoke with bitterness of the recent promotions. "Who," he asked, "could pretend to ignorance of the articles of the true protestant religion? Had they not been settled by the articles set forth in 1552; by the catechism set forth in king Edward the Sixth's days; by the writings of Peter Martyr, Martin Bucer, Wickcliffe, and others; by the constant profession sealed by the blood of so many martyrs, as Cranmer, Ridley, and others; by the thirty-nine articles set forth in queen Elizabeth's time; and by the articles set forth at Lambeth as the doctrine of the church of England, which king James sent to Dort and to Ireland as the truth professed here? Lastly, had they not been set forth by his majesty's own declaration and proclamation to maintain unity in the settled religion? Yet these are now perverted and abused, to the ruin and subversion of religion! Consider the preferments which such have received since the last parliament who have heretofore taught contrary to the truth! Then consider again for what overt acts these men have been countenanced and advanced! what pardons they have had for false doctrines! what manner of preaching hath been lately before the king's majesty! what suppression of books that have been written against their doctrines, and what permitting of such books as have been written for them!' Subsequently Pym propounded certain remedial measures, which he urged it to be the duty of the parliament in general, and of each Christian in particular, to follow. "For," he continued, "*howsoever it is alleged that the parliament are not judges in matters of faith, yet ought they to know the established and fundamental truths, and the contrary to them*[2]; for parliaments

[1] Life of Eliot, p. 87—89.

[2] In Aikin's Life of Charles, and also in the history from Macintosh, the following words are attributed to Pym in this debate:—"It belongs to parliament to establish true religion and to punish false." But the passage in the text is the original from which that truly sweeping apophthegm of

have confirmed acts of general councils, which have not been received until they have been so authorized; and parliaments have enacted laws for trial of heretics by juries. The parliament punished the earl of Essex for countenancing of heretics; and there is no court can meet with these mischiefs, but the court of parliament. The convocation cannot, because it is but a provincial synod, only of the jurisdiction of Canterbury, and the power thereof is not adequate to the whole kingdom; while the convocation of York may, perhaps, not agree with that of Canterbury. The high commission cannot; for it hath its authority derived from parliament, and the derivative cannot prejudice the original. It is, in short, reserved for the judgment of the parliament, that being the judgment of the king and of the three estates of the kingdom." [1]

The result of these debates was the famous vow or declaration [2] respecting religion, which, as Carte takes upon himself to inform us, "Mr. Pym, having the more time to take care of other people's religion because he had very little of his own, drew up, and presented to the house." [3] This was the last great act of that most celebrated parliament, in which Pym had achieved for himself, almost equally with Eliot, the pursuing hatred of the court. Fortunately, however, he was not an actor in the stormy and tempestuous scene of its dissolution, and therefore escaped that

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parliamentary supremacy and persecution has been taken; and, it is scarcely necessary to add, it does not by any means authorise such a violent and absurd construction. I had before observed (Life of Eliot, p 90) that Rushworth's reports of this session are very incorrect, and the words in question are taken from Rushworth. But for the correct speech see Old Parl Hist vol. viii p 262—263.

[1] Oliver Cromwell's first reported speech in parliament was made on this occasion, and is worth subjoining He said, "that he heard by relation from one Dr Beard, that Dr Alablaster had preached flat popery at St. Paul's Cross; and that the bishop of Winchester (Dr. Neile) commanded him, as he was his diocesan, he should preach nothing to the contrary He said, that Manwaring, so justly censured for his sermons in this house, was, by this bishop's means, preferred to a rich living If these are steps to church preferments, what may we not expect?"

[2] See the Life of Eliot, p 94

[3] Carte, History, vol. iv p. 200.

vengeance by which the popular cause lost so formidable a champion, and himself so dear a friend.

But another friend had fallen from his side some few months before, alienated by a worse stroke, in the thought of Pym, than that of imprisonment or death. Sir Thomas Wentworth had gone over to the court; and Pym, who is described to have been the only one of the leading popular men, besides Hollis, really intimate with Wentworth, is said to have felt this desertion with singular acuteness. Vainly imagining that

> "Mutual league,
> United thoughts and counsels, equal hope,
> And hazard in the glorious enterprise,"

had joined them inseparably, it was probably Pym who, whenever Eliot impugned the trustworthiness of Wentworth, pledged his own faith for him, and so increased, for himself, the bitterness of the present desertion. Feeling, therefore, in all its force, the truth of one of his own favourite thoughts, hatred now sprang into the place of his former love. The anecdote which dates the first terrible dawning of the change, rests on the cautious authority of doctor Welwood.[1] "There had been a long and intimate friendship," he says, "between Mr. Pym and sir Thomas Wentworth, and they had gone hand and hand in the House of Commons. But when sir Thomas Wentworth was upon making his peace with the court, he sent to Pym to meet him alone at Greenwich; where he began in a set speech to sound Mr. Pym about the dangers they were like to run by the courses they were in, and what advantages they might have if they would but listen to some offers which would probably be made them from the court. Pym, understanding his drift, stopped him short with this expression, 'You need not use all this art to tell me that you have a mind to leave us: but remember what I tell you. *You are going to be undone.* And remember also, *that though you leave us now, I will never leave you while*

[1] See Memorials of English Affairs, p. 46, 47.

your head is upon your shoulders!'" Pym kept his word.

The desperate course of government by prerogative now began. Charles, while disrobing himself on the day of the parliament's dissolution, passionately vowed that he would never put on those robes again; and, not content with a violent declaration of his reasons for the dissolution, issued a proclamation which forbade even the word parliament to cross the lips of his people, since he, who alone had the power of calling, continuing, and dissolving parliaments, was the best judge when to assemble them, and now declared that though such an event might happen, it would only be after the country had evinced a better disposition, and the "vipers of the commonwealth" had received their condign punishment, and "those who are misled by them had come to a better understanding of his majesty and themselves." With deep sorrow for the miseries which now, for a time, impended over England, and afflicted to the soul by the personal sufferings of many of his dearest friends, it may be yet supposed that Pym looked forward deliberately and undespairingly, since, if for no reason else, he had to keep the appointment he had made with Wentworth.

It will be necessary to sketch, very briefly, the measures by which the executive now sought to enslave the people.

The duties of tonnage and poundage, which Charles had solemnly pledged himself never to take but as a gift from his people, were rigorously extorted; warrants were issued by the council to seize the goods of all who attempted to land them without authority, and to detain them till the customs were paid; and orders were despatched to imprison all who attempted to recover their property by replevin. Richard Chambers — a name ever memorable among London citizens — courageously appealed from the vengeance of the council; but he was dragged into the Star Chamber, fined 2000*l.*, and doomed to imprisonment till he made

various abject submissions: these he refused to make, and for twelve years he languished in prison, from which he was released a beggar. Various merchants made attempts to elude these measures by sending their goods beyond the seas; but nothing is so vigilant as tyranny, and the goods were seized in England, while unlimited orders were issued in consequence to search warehouses, and prevent what was denominated a fraud on the revenue.

Equally disgraceful were the taxes imposed for the support of muster-masters of the militia; coat and conduct money was also exacted, while soldiers were billeted as of old. But the grievance which outheroded all the rest was the revival of monopolies. This was carried to an extent which was truly appalling. Under the pretext, for instance, that certain persons had made discoveries in the manufacture of soap, and that the dealers in general imposed a bad article upon the people, these persons were erected into a corporation, and the right of the manufacture and sale of the commodity vested in them exclusively; they having paid ten thousand pounds for their patent, and rendered themselves liable to a tax of eight pounds per ton upon the sale. The original pretext, it may be easily supposed, was a lie; the commodity being, in fact, so adulterated as to ruin the clothes of the people. In the same manner, almost every article of ordinary consumption, whether of manufacture or not, was exposed to a similar abuse. Upon every thing, no matter how insignificant, the fetters of monopoly were fixed. Salt, starch, coals, iron, wine, pens, cards and dice, beavers, felts, bone-lace, meat dressed in taverns, tobacco, wine casks, brewing and distilling, lamprons, weighing of hay and straw in London and Westminster, gauging of red herrings, butter casks, kelp and sea-weed, linen cloth, rags, hops, buttons, hats, gutstring, spectacles, combs, tobacco-pipes, saltpetre, gunpowder, down to the sole privilege of gathering of rags, — were all subjected to monopolies, and consequently heavily taxed!

Some few of these shocking enormities may be illustrated by extracts from the reverend Mr. Garrard's letters[1] to the lord deputy. "Here is much ado," he writes on one occasion, "about the soap business; it is very doubtful whether in the end it will stand or no. For the present, it is strongly backed, and I hear a proclamation shall come forth to stop all mouths that speak against it. Commissioners have been appointed: the lieutenant of the Tower, sir William Becher, sir Abraham Williams, Spiller, joined to the lord mayor, and some aldermen. They have had two general washing days at Guildhall; most of them have given their verdict for the new soap to be the better; yet continual complaints rise up, that it burns linnen, scalds the laundress's fingers, wastes infinitely in keeping, being full of lime and tallow: which if true, it is of that use in this kingdom that it will not last. The lord mayor of London, by the king's commandment, received a shrewd reprimand for his pusillanimity in this business, being afraid of a troop of women that clamorously petitioned him against the new soap: my lord privy seal, his brother-in-law, was to give it him at the board, and did very sharply."[2] "Here are two commissions afloat," he writes on another occasion, "which are attended diligently, which will bring, as it is conceived, a great sum of money to his majesty. The first, concerning the licensing of those who shall have a lease for life to sell tobacco in and about London, and so in all the boroughs and villages in England; fifteen pounds fine, and as much rent by the year. . . . The other is for buildings in and about London since a proclamation in the thirteenth of king James." In the cases of the latter, three years' rent, and "some little rent to the king" additional, was exacted by the commissioners as a composition, for suffering the buildings to stand. "How far this will spread," Garrard adds, "I know not; but it is confidently spoken that there are above

[1] See Life of Strafford, p. 290
[2] Strafford Papers, vol. i. p. 507.

100,000*l.* rents upon this string about London. I speak much within compass. For Tuttle [Tothill], St. Giles's, St. Martin's Lane, Drury Lane, Covent Garden, Lincoln's Inn Fields, Holborn, and beyond the Tower from Wapping to Blackwall, all come in and are liable to fining for annoyances, or being built contrary to proclamation, though they have had licences granted to do so: my lord of Bedford's licence in this case, as it is said, will not avail him."[1] The first notice of coal as an article of export is made thus: — "My lords of Dorset and Holland have obtained a beneficial suit of the king, worth better than 1000*l.* a year apiece to them, for sea coal exported." Then we are startled by the following: —"We have very plausible things done of late. The book called the declaration of the king's for rectifying of taverns, ordinaries, bakers, osteries, is newly come forth. I'll say no more of it; your agent here will send it your lordship. All back doors to taverns on the Thames are commanded to be shut up; only the Bear at the bridge-foot is exempted, by reason of the passage to Greenwich. To encourage gentlemen to live more willingly in the country, all game fowl, as pheasant, partridges, ducks, as also hares, are by proclamation forbidden to be dressed or eaten in any inns, and butchers are forbidden to be graziers."[2]

The first introduction of hackney coaches is next commemorated by Mr. Garrard: —"Here is one Captain Bailey; he hath been a sea captain, but now lives on the land about this city, where he tries experiments. He hath erected according to his ability some four hackney coaches, put his men in a livery, and appointed them to stand at the maypole in the Strand, giving them instructions at what rates to carry men into several parts of the town, where all day long they may be had. Other hackneymen seeing this way, they flocked to the same place, and perform their journies at the same rate: so that sometimes there is twenty of them to-

[1] Strafford Papers, vol i. p. 206.
[2] Ibid. vol. i. p. 176.

gether, which disperse up and down, so that they and others are to be had anywhere."— But now, within two short months of this date, during which time the plan, serving as a comfort and luxury to the great mass of the people [1], had succeeded to an extraordinary extent, we find Garrard mentioning "a proclamation coming forth, about the reformation of hackney coaches, and ordering of other coaches about London; nineteen hundred was the number of hackney coaches of London, base lean jades, unworthy to be seen in so brave a city, or to stand about a king's court." Nothing that contributed, unincumbered by monopoly, to the comfort of the people, was permitted to continue!— Again Garrard writes:—"Here is a proclamation coming forth to prohibit all hackney coaches to pass up and down in London streets; out of town they may go at pleasure as heretofore. Also the attorney-general hath sent to all taverns to prohibit them to dress meat; somewhat was required of them—an halfpenny a quart for French wine, and a penny for sack and other richer wines, for the king; the gentlemen vintners grew sullen and would not give it, so they are well enough served." [2] No single thing escaped that had escaped monopoly: the monopolists only were allowed to thrive. Soon after the above we find Garrard mentioning "a project for carrying people up and down in close chairs, for the sole doing whereof sir Sander Duncombe, a traveller, now a pensioner, hath obtained a patent from the king, and hath forty or fifty making ready for use." The next enormity which Garrard alludes to in his packets of news, is monstrous indeed. "Here is at this present," he says, "a commission in execution against cottagers, who have not four acres of ground laid to their houses, upon a statute made the 31 Eliz., which vexeth the poor people mightily, all for the benefit of the lord Morton, and the

[1] Rushworth has recorded that in the first year of Charles there were not above twenty coaches to be had for hire in and about London. "The grave judges of the law," he adds, "constantly rid on horseback, in all weathers, to Westminster." Collections, vol. ii. p. 317.
[2] Strafford Papers, vol. i. p. 507.

secretary of Scotland, the lord Sterling: much crying out there is against it, especially because mean, needy, and men of no good fame, prisoners in the Fleet, are used as principal commissioners to call the people before them, to fine and compound with them."[1] Subsequently he remarks:—"The taverns begin to victual again, some have got leave. 'Tis said that the vintners within the city will give 6000*l.* to the king to dress meat as they did before; and the suburbs will yield somewhat".[2] Such illustrations, curious and valuable as they are, considering the source whence they proceed, and to whom they are addressed, might be largely indulged; but one more will serve. "Here," writes Garrard, "here are abundance of new projects on foot, upon sea-coal, salt, malt, marking of iron, cutting of rivers, setting up a new corporation in the suburbs of London, much opposed by the Londoners, many others. Where profit many come to the king, let them pass; but to enrich private men, they have not my wishes. Discontinuance of parliaments brings up this kind of grain, which commonly is blasted when they come."[3]

And all these fearful outrages were committed upon the people, while there was probably not a single family in England, with the smallest share of education or intelligence, in whose house a copy of the famous Petition of Right might not be found! But this consideration it was, beyond every other, that still sustained with the strongest hope, during the twelve terrible years' continuance of such outrages, such men as Pym and Hampden. It was this which, even while their friend Eliot sank to his death under the murderous vengeance of the court, and while others of their friends, as Noy, Digges, Littleton, and Glanville, crept over to the side of the public enemy,—it was this which reassured them that least of all were they then to despair. The breath of God was not to be monopolised; neither was the petition of rights to be recalled.

1 Strafford Papers, vol. i. p. 117
2 Ibid vol. i p. 262.
3 Ibid. vol. ii. p. 55

In enforcement of the illegal patents and proclamations of the king, most grievous commissions, also, were granted; to one or two of which Garrard's correspondence has alluded. They were such, for instance, as a commission touching cottages and inmates — another about services — one for compounding with offenders for transporting butter — another for compounding with those who used or imported logwood — one to compound with sheriffs, and such as had been sheriffs, for selling under-sheriffs' places — another for compounding for the destruction of wood in iron works — another for concealments, and encroachments within twenty miles of London — and the list might be stretched indefinitely.

Nor had the resources of tyranny expended themselves here. Under the candid pretext of curing defects in titles of land, a proclamation was issued, proposing to grant new titles upon the payment of a reasonable composition; and all who declined to avail themselves of this general offer from the court were threatened, in no measured terms, with the loss of their property: nor, indeed, were such cases unfrequent. Many pretended flaws in titles were dragged into the courts, where a parcel of obsequious judges sat ready to establish the objections. Even the form of the judges' patents was changed to fix their slavish dependence more surely! The old clause, *quamdiu se bene gesserit* was changed into *durante bene placito*; and the benefit of the first clause was even denied to one judge who had received his patent before the change, because he was thought too upright for the designs in hand.[1]

Other means, too, were adopted to bring the civil government of England into unison with these enor-

[1] See May's History, p. 17. Hut Mem vol i p. 132. Whitelock's Memorials, p. 16 For the various authorities in support of the text, See Mr. Brodie (Hist of Brit. Emp vol ii p. 275 — 286), also Rushworth, throughout his first and third volume of Collections, Old Parl Hist vol ix p 62 et seq, Hilyard's Case; Clarendon's Life, p. 37. 73.; May's History, Aikin's Charles the First; and Strafford's Letters

mities. The jurisdiction and powers of the courts of star chamber and high commission were enlarged to a most extraordinary degree. New illegal oaths were enforced, and new courts, with vast powers, erected without colour of law; and when commissions were issued for examining into the extent of fees that were complained of, the commissioners compounded with the delinquents, not only for their past offences, but their future extortions. Finally, the orders of the council board were received as positive law. Clarendon tells us that Finch, who, for his conduct in the late parliament, had been promoted to the office of lord keeper of the great seal, now boldly declared "that while he was keeper, no man should be so saucy as to dispute orders of the council board; but that the wisdom of that board should be always ground enough for him to make a decree in chancery."

An extract from the same noble historian shall complete my sketch of the civil government of England at this period. "Supplemental acts of state were made to supply defect of laws; and so tonnage and poundage, and other duties upon merchandises, were collected by order of the board, which had been positively refused to be settled by act of parliament, and new and greater impositions laid upon trade; obsolete laws were revived and vigorously executed, wherein the subject might be taught how unthrifty a thing it was, by too strict a detaining of what was his, to put the king as strictly to inquire what was his own. And by this ill husbandry the king received a vast sum of money from all persons of quality, or indeed of any reasonable condition, throughout the kingdom, upon the law of knighthood. And no less unjust projects of all kinds, — many ridiculous, many scandalous, all very grievous, — were set on foot; the envy and reproach of which came to the king, the profit to other men. To recompense the damage the crown sustained by the sale of the old lands, and by the grant of new pensions, the old laws of the forest were revived, by which not only great fines were

imposed, but great annual rents intended, and like to be settled by way of contract; which burden lighted most upon persons of quality and honour, who thought themselves above ordinary oppressions, and were, therefore, like to remember it with more sharpness. For the better support of these extraordinary ways, and to protect the agents and instruments who must be employed in them, and to discountenance and suppress all bold inquirers and opposers, the council table and star chamber enlarged their jurisdictions to a vast extent, 'holding' (as Thucydides said of the Athenians) 'for honourable that which pleased, and for just that which profited;' and being the same persons in several rooms, grew both courts of law to determine rights, and courts of revenue to bring money into the treasury; — the council table by proclamations enjoining to the people what was not enjoined by the law, and prohibiting that which was not prohibited; and the star chamber censuring the breach, and disobedience to those proclamations, by very great fines and imprisonment: so that any disrespect to acts of state, or to the persons of statesmen, was in no time more penal, and those foundations of right, by which men valued their security, to the apprehension and understanding of wise men, never more in danger to be destroyed."[1] The reader will scarcely conceive this picture capable of aggravation; but the noble historian afterwards proceeds, very drily, to tell how the people chiefly borne down by these terrible measures were protestants, while the papists were not only encouraged, but protected, as the chief promoters of the mischief. "They grew," he says, "not only secret contrivers, but public professed promoters of, and ministers in, the most grievous projects; as that of soap, formed, framed, and executed by almost a corporation of that religion, which, under that licence and notion, might be, and were suspected to be, qualified for other agitations." No wonder the Roman catholics were hated! It is to be added, that whatever trifling

[1] Hist. of Rebellion, vol. i. p. 119—122.

fragments of law or protection might be supposed to remain to the people still, were utterly swept away from a long line of northern counties, by the terrible administration of the presidency of the north.

Yet the king continued poor! His advocate has hinted a justification of him in the extract just given, to the effect that while the reproach of these monstrous extortions came to him, the profit went to other men; but this is much more in the nature of an aggravation. When Charles found that the case was so, it served him only as a better excuse for breaking down the spirit of the people by still heavier burthens. What Clarendon has said is indeed quite true, that the tax upon the community was infinitely beyond what came into the exchequer. For the monopoly of wine, for instance, the king received only 38,000*l.* per annum; but then the vintners paid 40*s.* per tun to the patentees, which, upon 45,000 tuns, raised the tax to 90,000*l.* The vintners again, imposed 2*d.* per quart, which raised it to 8*l.* per tun, or 360,000*l.*; nearly twelve times as much as went into the exchequer.[1] And so with other impositions. The difficulties of the court, therefore, in the disastrous career they had entered on, were only becoming, day by day, more imminent; when the famous invention of Mr. Attorney-general Noy[2] came in to give a longer

[1] See the Old Parl Hist vol ix. p 62 *et seq*

[2] "He was a man," says Dr Heylin, in his Life of Laud, p 301, "extremely well versed in old records, with which consulting frequently in the course of his studies, he had excerpted and laid by many notes and precedents for the king's levying of such naval aid upon the subjects, by his own authority, whensoever the preservation and safety of the kingdom did require it of them; which notes and precedents, taken as they came in his way, in small pieces of paper (most of them no bigger than one's hand) he kept in the coffin of a pye, which had been sent him by his mother, and kept there till the mouldiness and corruptibleness had perished many of his papers" The singularity of Noy's manners gives colour to this story. I cannot resist subjoining another anecdote which seems a proof, in a certain sort, that Noy winced a little under his new position, after, as his friends used to say, "he was bewitched to become the king's" When created attorney-general, a messenger, as usual, was sent to attend on him; but, after enduring his presence with very angry scowlings, for a few days, Noy could not bear it any longer He ordered him to get home, and hide himself, "lest the people, who have always seen me walk free and alone, should fancy me a state prisoner." See Wood's *Ath. Oxon* vol ii p. 582. Noy died soon after his discoveries in the matter of ship money, and they were wonderfully improved upon by Finch: see Hallam's Const. Hist. vol. ii. p. 16—21. For admirable characters of Noy and Finch, see Clarendon's History, vol. i. p. 129—131.

lease to tyranny, and make more fatal its final redemption.

"Lastly" (I again avail myself of the language of Lord Clarendon), "for a spring and magazine that should have no bottom, and for an everlasting supply of all occasions, a writ was framed in a form of law, and directed to the sheriff of every county of England, 'to provide a ship of war for the king's service, and to send it, amply fitted and provided, by such a day to such a place;' and with that writ were sent to each sheriff instructions, that, 'instead of a ship, he should levy upon his county such a sum of money, and return the same to the treasurer of the navy for his majesty's use, with direction in what manner he should proceed against such as refused:' and from hence that tax had the denomination of SHIP MONEY; *a word of lasting sound in the memory of this kingdom;* by which for some years really accrued the yearly sum of 200,000*l.* to the king's coffers; and it was in truth the only project that was accounted to his own service."

A lively illustration of the manner in which this tax was worked, will be supplied by one or two extracts from Garrard's letters to the lord deputy of Ireland. In one letter[1] he writes: — "In my last I advertised your lordship, that the mayor of London received some reprimand for being so slow in giving answer to the writ sent into the city about the shipping business; afterward the city council were called before the lords, and received some gentle check, or rather were admonished, to take heed how they advised the city in a case so clear for the king, wherein his majesty had first advised with his learned counsel, and with his council of state. It wrought this effect, that they all yielded, and instantly fell to seizing in all the wards of London. *It will cost the city at least 35,000l.* They hoist up the merchant strangers, sir William Curtyre 360*l.*, sir Thomas Cuttcale 300*l.*: *great sums to pay at one tax, and we know not how often it may*

[1] Strafford Papers, vol. i. p. 358.

come. It reaches us in the Strand, being within the liberties of Westminster, which furnisheth out one ship. My lord of Bedford, 60*l.*; my lord of Salisbury, 25*l.*; my lord of Clare, 40*l.*; the lord keeper, and lord treasurer, 20*l.* apiece: *nay lodgers, for I am set at* 40*s.* Giving subsidies in parliament, I was well content to pay to, which now hath brought me into this tax; *but I tell my lord Cottington, that I had rather give and pay ten subsidies in parliament, than* 10*s. this new-old way of dead Noye's.* Letters are also gone down to the high sheriffs of the maritime counties to quicken them. Have you heard the answer given by a great lord that hath been a judge? ''Tis true this writ hath not been used when tonnage and poundage was granted, now 'tis not, but taken by prerogative, *ergo*, this writ is now in full force.'" On a subsequent occasion he writes:— "The sheriff of Sussex sent up to the lords to receive their further directions what he was to do, giving them information that seven or eight poor towns in that county stood out, and would not pay towards the shipping. But as soon as they heard that the sheriff, by a new command, began to distrain, they came roundly in, and paid their money."[1] The lord deputy speedily corrected his correspondent's complaints about the tax; having furnished the court with his opinion that it was "the greatest service the legal profession had done the crown in his time," while he added:— "but unless his majesty hath the like power declared to raise a land army upon the same exigent of state, the crown seems to me to stand but upon one leg at home, to be considerable but by halves to foreign princes abroad: yet sure this, methinks, convinces a power for the sovereign to raise payments for land forces, and consequently submits to his wisdom and ordinance the transporting of the money or men into foreign states, so to carry, by way of prevention, the fire from ourselves into the dwellings of our enemies (an art which Edward III. and Henry V. well understood); and if by degrees

[1] Strafford Papers, vol. i. p. 372.

Scotland and Ireland be drawn to contribute their proportions to these levies for the public, *omne tulit punctum.* Well fortified," Wentworth continued, "this piece for ever vindicates the royalty at home from under the conditions and restraints of subjects, and renders us also, abroad, even to the greatest kings, the most considerable monarchy in Christendom."[1] Stimulated thus, the court partially extended their views that way, and, advancing gradually from the maritime districts, levied the hated tax upon almost every man in England. "For home news," Garrard writes in one of his subsequent letters[2], "the shipping business goes on currently all over England, so 'tis apprehended at court. Some petitions have been offered to the king from poor towns, which he hath referred to his council." Again: — "The Londoners have not been so forward in collecting the ship money, since they have been taught to sing *Hey-down-derry*, and many of them will not pay till after imprisonment, that it may stand upon record they were forced to it. The assessments have been wonderful unequal and unproportionable, which is very ill taken, it being conceived they did it on purpose to raise clamour through the city." And again, he writes: — "Your lordship is very right, that there is no reason all publick works should be put upon the crown. And yet you see how unwilling the people are to contribute to any, be it never so honourable or necessary for themselves. Witness the ship money, which at this very present ending of the term is under argument in the exchequer chamber before all the judges, brought thither upon a case of Mr. Hambden's, as I think; but I am sure, either upon a case of his or the lord Say's. So have you the greatest news of the time."

Great news this was indeed! Many men had resisted ship money; many poor men had been flung into prison for refusing to pay it, and lay there languishing and

[1] Strafford Papers, vol. ii p. 61, 62.
[2] Ibid. vol. i. p. 468.

unknown ; many rich men had vainly stirred themselves against it; but at last, in the person of Hampden, the popular party prepared to make their final and resolved resistance, and in his great name all the renown of that resistance has been absorbed. [1]

Pym and St. John were Hampden's close counsellors in the interval before the public trial, and six months were passed in preparations on both sides. At last, after a display of extraordinary learning and power on the part of St. John, till then almost unknown in the courts, and a scarcely less remarkable exhibition of venal prostitution of research on the part of the crown lawyers, judgment was pronounced in favour of ship money, and against the illustrious defendant, by nine out of the twelve judges. Of the three dissentients — Hutton [2],

[1] It may be observed, at the same time, that doubtless the court party were to be consulted as to the choice of a person in whose case the right of resistance was to be decided — since, up to this period, when refusers of ship money had gone before the courts, the judges on circuit had overruled, or declined to entertain, any plea founded on the assumed illegality of the imposition; and thus the question of right had remained undecided. Unable, however, to resist any longer the demand for a settlement of the question, it is prboable that the king's party thought that, in its progress, the "affability and temper" of Hampden as an opponent, would serve them best. It is certain that lord Say and Sele was distinctly refused a trial.

[2] Hutton was a friend of lord Wentworth's, and addressed a long and curious letter to him, exculpatory of the honest course he pursued on this question. I subjoin a characteristic extract from the lord deputy's reply: — "Considering it is agreed by common consent, that in time of publick danger and necessity such a levy may be made, and that the king is therein sole judge how or in what manner or proportion it is to be gathered, I conceive it was out of humour opposed by Hambden, beyond the modesty of a subject, and that reverence wherein we ought to have so gracious a sovereign. it being ever to be understood, the prospects of kings into mysteries of state are so far exceeding those of ordinary common persons, as they be able to discern and prevent dangers to the publick afar off, which others shall not so much as dream of till they feel the unavoidable stripes and smart of them upon their naked shoulders. besides, the mischief which threatens states and people are not always those which become the object of every vulgar eye, but then commonly of most danger, when least discovered, nay, very often, if unseasonably, over early published, albeit privately known to the king long before, might rather inflame than remedy the evil. therefore it is a safe rule for us all, in the fear of God, to remit these supreme watches to that regal power, whose peculiar indeed it is; submit ourselves in these high considerations to his ordinance, as being no other than the ordinance of God itself; and rather attend upon his will, with confidence in his justice, belief in his wisdom, assurance in his parental affections to his subjects and kingdoms, than feed ourselves with the curious questions, with the vain flatteries of imaginary liberty, which, had we even our silly wishes and conceits, were we to frame a new commonwealth even to our own fancy, might yet in conclusion leave ourselves less free, less happy, than now, thanks be to God and his majesty, we are, nay ought justly to be, reputed by every moderate-minded Christian."

Croke, and Denham — Croke would also have given judgment for the crown, had not his wife, a lady of eminent piety and a truly heroic spirit, sustained his sinking virtue. "She told him," says Whitelock[1], "she hoped he would do nothing against his conscience, for fear of any danger or prejudice to her or his family; and that she would be contented to suffer want, or any misery with him, rather than be the occasion for him to do or say anything against his judgment or conscience."

Lord Clarendon observes that this decision "proved of more advantage and credit to the gentleman condemned, than to the king's service. Men before," he adds, "pleased themselves with doing somewhat for the king's service, *as a testimony of their affection, which they were not bound to do*[2]; many really believing the necessity, and therefore thinking the burden reasonable. But when they heard this demanded in a court of law, as a right, and found it, by sworn judges of the law, adjudged so, upon such grounds and reasons as every stander-by was able to swear was not law, and so had lost the *pleasure and delight* of being kind and dutiful to the king; and instead of giving were required to pay, and by a logic that left no man anything which he might call his own; when they saw in a court of law (that law that gave them title to, and possession of, all that they had) reasons of state urged as elements of law, judges as sharp-sighted as secretaries of state, and in the mysteries of state, judgment of law grounded upon matter of fact, of which there was neither inquiry or proof; and no reasons given for the tax in question, but what included the estates of all the standers-by; — they no more looked upon it as the case of one man, but the case of the kingdom, nor as an imposition laid upon them by the king, but by the judges; which they

[1] Memorials, p 25.

[2] *But they were*, before the decision, *bound* to obey the tax, and that by sharper conditions than attended any other levy. These and other expressions of lord Clarendon in the extract are artful misrepresentations, easily seen through: — the extract is very valuable evidence notwithstanding.

thought themselves bound in conscience to the public justice not to submit to." In other words, the event justified the policy of the leaders of the people, and they now quietly resumed their former position, hopeful and determined. Laud soon wrote to Wentworth that the "faction are grown very bold, and the king's monies come in a great deal more slowly than they did in former years, and that to a very considerable sum;"[1] and Whitelocke closes his description of the proceedings with these words: — "Hampden and many others of quality and interest in their counties were unsatisfied with the judgment, and continued, with the utmost of their power, in opposition to it, yet could not at that time give any other stop or hinderance; *but it remained altâ mente repôstum.*"

Leaving it thus, for a time, in the minds of Pym and Hampden, it is now necessary, — in completion of such a sketch of the present government of England as will be thought essential to a right judgment of the exertions of Pym's latter life, — that I should slightly revert to Laud's administration of religious affairs. It was frightfully consistent with the view that has been furnished of the condition of civil matters. The barbarous punishment of Leighton[2], the Scotch divine; the cruel persecution of Balmerino[3], at Edinburgh; the shocking severities that were practised upon Prynne, Burton, and Bastwick[4]; need only be alluded to, to recal the

[1] Strafford Papers, vol ii p 170.

[2] See Rushworth, vol ii p 55, Whitelock, p. 15. Neal, vol i. p. 547. and see Laud's Diary for November 16, 1630.

[3] See Carte, vol iv p. 222 State Trials, vol. iii &c.

[4] See Laud's Diary; Neal's History of the Puritans; Rushworth, vol. ii. p 220 *et seq* Heylin's Life of Laud, 249, &c Garrard writes to lord Wentworth: "Some few days after the end of the term in the palace yard two pillories were erected, and there the sentence of star-chamber against Burton, Bastwick, and Prynne was executed they stood two hours in the pillory; Burton by himself, being degraded in the high commission court three days before; the place was full of people, who cried and howled terribly, especially when Burton was cropt Dr Bastwick was very merry; his wife, Dr Poe's daughter, got a stool, and kissedhim; his ears being cut off, she called for them, and put them in a clean handkerchief, and carried them away with her. Bastwick told the people, the lords had collar-days at court, but this was his collar-day, rejoycing much in it. Since, warrants are sent from the lords to the sheriffs of the several counties where they are to be imprisoned, to receive them and see them placed. Also Dr. Layton, *homo ejusdem farinae*, censured seven years since, and now prisoner in

horror and disgust with which their sufferings have passed into history. The very name of toleration was banished from England. A refusal to attend divine worship in the parish church was, in all persons, without exception, punished in the first instance by fine, and on a repetition of such refusal by transportation. Popish recusants, indeed, were allowed to compound for these penalties by a heavy annual payment; and the celebration of mass, though illegal, was connived at; but no similar indulgence was extended to the religious services of protestant dissenters. The dissenting ministers, in point of fact, did not yet form a distinct class; they were, with very rare exceptions, ordained and beneficed clergy of the English church; and being thus lawfully subject to the authority of their diocesan, the means of detecting and punishing their deviations from conformity were easy and obvious. Accordingly from Laud they found no quarter. At the thought of every episcopal visitation the clergy groaned and trembled. Lecturers were peremptorily silenced; domestic chaplains in the houses of private gentlemen punished, and their patrons ordered to attend their parish churches; while the parochial clergy, where non-conformable, were fined, suspended, in some cases deprived, and ultimately, in very many instances, driven out of England with the more zealous of their followers. — Happy to escape without some mutilation of their persons! For scarcely a sitting of

the Fleet, is removed to some remote prison of the kingdom." From that prison Leighton was not released till ten years after, when he had lost sight, hearing, and the use of his limbs! Another of the lord deputy's correspondents had before described the mutilation of Prynne: — "No mercy shewed to Prynne; he stood in the pillory, and lost his first ear in a pillory in the palace at Westminster in full term, his other in Cheapside, where, while he stood, his volumes were burnt under his nose, which had almost suffocated him." Lastly, Laud himself wrote thus to Wentworth: — "I have done expecting of Thorow on this side, and therefore shall betake myself to that which you say, and I believe, is the next best; and yet I would not give over neither. But what can you think of Thorow where there shall be such slips in business of consequence? What say you to it, that Prynne and his fellows should be suffered to talk what they pleased while they stood in the pillory, and win acclamations from the people, and have notes taken of what they spake, and those notes spread in written copies about the city, and that when they went out of town to their several imprisonments, there were thousands suffered to be upon the way to take their leave, and God knows what else?"

the star chamber passed without its victim, and its consequent exhibition, in the public streets, of some scene of bloody human agony. On one occasion, while Lilburne and Wharton, after having suffered a severe whipping, were standing exposed in the pillory, news was carried to the star chamber, that Wharton, unsilenced by his suffering or his shame, was scattering pamphlets about and haranguing the mob, and the court, happening to be sitting at the moment, made an order that he should be gagged, and the order was executed instantly! Prynne, having had his old ears stitched to his head, "relapsed," as Garrard expresses it, "into new errors;" and again suffered a mutilation of the fragments! Meanwhile the language of Wentworth and Laud held out no hope of change. "Go it as it shall please God with me," wrote Wentworth, "believe me, my lord, I will be still *thorough* and *thoroughout*, one and the same. [1] The cure of this grievous and over-spreading leprosy is, in my weak judgment, to be effected rather by corrosives than lenitives; less than *Thorough* will not overcome it: there is a cancerous malignity in it, which must be cut forth!"

What wonder if, in the midst of all this frightful depotism over the property and consciences of men, large numbers of the English people now sent their thoughts across the wide atlantic towards the new world that had risen beyond its waters! Such were the gloomy apprehensions and terrors with which the old world was filled, that only two alternatives indeed now seemed to many persons to remain; that, as May expresses it [2], "Things carried so far on in a wrong way, must needs either enslave themselves and posterity for ever, or require a vindication so sharp and smarting, as that the nation would groan under it." Too weak to contemplate the last alternative, and too virtuous to submit to the first, crowds of victims [3] to the tyranny of church and state,

[1] Strafford Papers, vol i p. 298

[2] History of the Long Parliament, p 17.

[3] "The plantations of Ormond and Clare," writes Laud to Wentworth at this time, "are a marvellous great work for the honour and profit of the

now accordingly left their homes and their country, willing to encounter any sufferings, privations, and dangers, in the distant wildernesses they sought, because of the one sole hope they had, that there, at least, would be found some rest and refuge for liberty, for religion, for humanity!

So extensive, however, did the emigration threaten to become, that Laud thought it necessary to interfere at last, and — with a refinement of tyranny of which, it has been truly said, the annals of persecution afford few equally strong examples — to seek to deprive the conscientious sufferers of that last and most melancholy of all resources, a rude, and distant, and perpetual exile. On the 1st of May, 1638, eight ships bound for new England, and filled with puritan families, were arrested in the Thames by an order in council. It has been a very popular "rumour of history," that among the passengers in one of those vessels, were Pym, Hampden, Cromwell, and Hazelrig.

Were this anecdote authentic, the hand of fate had been visible upon Charles indeed! But there is no good authority[1] for it, and it is deficient in all the moral evidences of truth. The mind cannot bring itself to imagine the spirits of such men as these, yielding so easily to the despair of country; and at this moment Hampden was the "argument of all tongues" for his resistance to ship money, while to Pym the vision of the fatal meeting to which he had summoned Wentworth, now became daily more and more distinct. Nor are we wanting of absolute circumstance of proof, obvious enough to me, of the utter incorrectness of the state-

king and safety of that kingdom, and you have done very nobly to follow that business so close, but I am sorry to read in your letters, that you want men extremely to fill that work, and this is the more considerable a great deal, that you should want men in Ireland, and that, the while, there should be here such an universal running to New England, and God knows whither, but this it is, *when men think nothing is their advantage, but to run from government* As for your being left alone in the envious and thorny part of the work, that is no news at least to me, who am forced to the like here, scarce a man appearing where the way is rough indeed"

[1] The only known authorities are Dr George Bates, and Dugdale, both zealous royalists, and, on this point, quite beneath consideration.

ment. In the same part of Rushworth's Collections, where the original order is to be found, a subsequent proclamation may be seen also, wherein, after stating the seizure of the ships, the following passage occurs: — "Howbeit, upon the humble petition of the merchants, *passengers*, and owners of the ships now bound for New England, and upon the reasons by them represented to the board, his majesty was graciously pleased to free them from their late restraint, to proceed in their intended voyage." [1] So that, in fact, there is no reason for supposing, that all who had embarked for New England on board the eight ships alluded to, did not proceed to New England. No doubt they did so.

The anecdote in question, however, is not without ground of a certain kind. Some years before its date, the attention of the leading men among the patriots had been strongly directed to the subject of the colonisation of part of the North American continent, with a view to its affording a refuge of safety and comfort to such of their party or their families, as the sad troubles which impended over England might force from their homes. The subject had occupied even Eliot's thoughts in his prison, as a passage from one of Hampden's letters to him may serve to show. "The paper of considerations concerning the plantation might be very safely conveyed to me by this hand, and after transcribing, should be as safely returned, if you vouchsafe to send it to me." [2] The result of all this consideration of the subject, was the purchase of a large grant of land in the name of lord Brook, and lord Say and Sele; and in 1635, according to Horace Walpole, these two lords "sent over Mr. George Fenwick to prepare a retreat for them and their friends; in consequence of which a little town was built, and called by their joint names Saybrooke." [3] Now in this scheme there can be little doubt that Hampden was concerned, and I have found certain evidence, in

1 See Rushworth, vol. ii. p. 409., and see Aikin's Charles, vol. i. p. 473.
2 Eliot MSS in Lord Eliot's possession.
3 See Walpole's Catalogue of Royal and Noble Authors, vol. ii. p. 352. Ed. Park.

Garrard's letters to lord Strafford, that Pym was a party to it. "Our East India Company," writes that indefatigable newsmonger, "have this week two ships come home, which a little revives them. The traders also into the Isle of Providence, who are the earl of Warwick, the lord Say, the lord Mandevile, the lord Brook, Sir Benjamin Rudyard, Mr. Pym, and others, have taken a prize, sent home worth 15,000*l.* by virtue of letters of mart granted to the planters there by his majesty for some injuries done them by the Spaniard."[1] The date of this letter is December, 1637; and from that date, as the prospects of the court darkened, the hopes of Pym and Hampden must have grown with the passage of every day.

Time and fate soon pressed in hard, indeed, upon the government of Charles. Driven to the close of every expedient, his last hope centered in the lord deputy of Ireland, and Wentworth's capacity and vigour had now twice restored the court finances, and paid the king's debts. Ruin again impended, when Laud, as if to dash at once into the gulf, made a desperate attempt to impose the yoke of the common prayer book upon the Scotch people. A fool might have seen the result, and indeed one fool did see it, and was whipped for his folly. I do not know that it has been remarked before, but the disgrace of the famous Archy, the jester of Charles I., took place at this time. "Archy is fallen into a great misfortune," writes a letter of the time. "A fool he would be, but a foul-mouthed knave he hath proved himself; being in a tavern in Westminster, drunk, he saith himself, he was speaking of the Scottish business, *he fell a railing on my lord of Canterbury, said he was a monk, a rogue, and a traitor.* Of this his grace complained at council, the king being present; it was ordered he should be carried to the porter's lodge, his coat pulled over his ears, and kicked out of the court, never to enter within the gates, and to be called into the star-chamber. The first part is done, but my lord of

[1] Strafford Papers, vol. ii. p. 140.

Canterbury hath interceded to the king, that there it should end. There is a new fool in his place, Muckle John, but he will never be so rich, for he cannot abide money." This last must have seemed a fool indeed!

The affairs of Scotland belong to general history, and require only a brief mention here. Suffice it, then, to say, that after several months' alternation of persecution and negotiations, the Scottish people remained firm. Most truly has it been said of the conduct of the covenanters, that the display they now made of fearless purpose, and even of fearless reason; of unwearied, unwinking energy and sagacity; of ardour without violence, and enthusiasm without extravagance; has done imperishable honour to the Scottish character. Why should it be denied that Pym, Hampden, and others of the English opposition, placed themselves immediately in communication with those men? It stands upon the authority of Whitelock, and may not be denied. With the dawning of the fierce opposition in Scotland to the frightful tyranny of conscience attempted by Laud, sprang up the consummation of the hopes entertained during twelve long years of oppression, by Pym and Hampden, that a day for the liberties of England would still come. Let the friends of Charles I. make what use of the admission they please, it is quite certain that at the London meetings of the Scotch commissioners from the covenant, headed by lords Loudon and Dumferling, not only Pym and Hampden took an active part, but also lords Essex, Holland, Bedford, and Say.

Meanwhile lord Wentworth stood by the side of Charles in England, and a war was resolved upon against the Scottish people. The lord deputy's unparalleled exertions at this period have been already described [1], but the silent efforts of Pym and Hampden flung them powerless back, and all the attempts at loans and ship-money levies now fell flat to the ground. The strong spirit of hope was in truth, again gone

[1] See Life of Strafford, p. 366.

forth among all classes of men, and that word which had been proscribed by Charles twelve years before, was again heard, as a familiar word, in England.

A parliament, it was resolved, should be instantly summoned. Wentworth was created lord Strafford; returned to Ireland as lord-lieutenant; called a parliament there; procured a large sum of money from them, with a further offer of "their persons and estates" if required; and in the beginning of April returned to England. The example of the Irish parliament would, it was vainly hoped, influence the parliament of England. Meanwhile, the elections for members had been concluded without a single demonstration of tumult in any part of the country; and on the 3d of April, 1640, the king opened the houses in person, and in the midst of a larger number of members of the commons than had ever been known to assemble on the first day of the session. His speech was equally short and ungracious. "My lords and gentlemen," he said, "there never was a king that had a more great and weighty cause to call his people together than myself: I will not trouble you with the particulars. I have informed my lord keeper, and command him to speak, and desire your attention."[1] The lord keeper's speech was in the absurdest strain of high prerogative. He observed that "his majesty's kingly resolutions were seated in the ark of his sacred breast, and it were a presumption of too high a nature for any Uzzah uncalled to touch it; yet," he continued, "the king is now pleased to lay by the shining beams of majesty, as Phœbus did to Phaeton, that the distance between sovereignty and subjection should not bar you from that filial freedom of access to his person and councils; only let us beware how, like the son of Clymene, we aim not at the guiding of the chariot." He proceeded subsequently to say, "that his majesty did not expect advice from them, much less that they

[1] Rushworth, vol. iii (part second), p 1114. Rushworth was appointed this session, clerk-assistant to the house of commons.

should interpose in any office of mediation, which would not be grateful to him; but that they should, as soon as might be, give his majesty a supply, and that he would give them time enough afterwards to represent any grievances to him." [1]

"The house," proceeds lord Clarendon, who, on this occasion, made his first entrance into the house of commons, as Edward Hyde, member for the borough of Wootton-Basset, "met always at eight of the clock, and rose at twelve; which were the old parliament hours; that the committees, upon whom the greatest burden of business lay, might have the afternoons for their preparation and despatch. It was not the custom to enter upon any important business during the first fortnight, both because many members used to be absent so long, and that time was usually thought necessary for the appointment and nomination of committees, and for other ceremonies and preparations that were usual: but there was no regard now to that custom; and the appearance of the members was very great, there having been a large time between the issuing out of the writs and the meeting of the parliament, so that all elections were made and returned, *and everybody was willing to fall to the work.*" [2]

A leader only was wanting; and in this great position, by the common consent of all, Pym now placed himself. As he looked round the seats, crowded as they were with members, what gaps must have appeared in them to him! The line of his early friends and associates was broken indeed. "The long intermission of parliament," observes Clarendon, "had worn out most of those who had been acquainted with the rules and orders observed in those conventions." Sir Edward Coke and sir Robert Philips [3] were dead now, and sir John Eliot had perished in his prison.

1 See Clarendon. vol i p 233.
2 Clarendon's History, vol i p 233—234.
3 "Sir Robert Philips," wrote Garrard to the lord deputy on the 10th of May, 1638, "Sir Robert Philips, your old acquaintance, has died of a cold; choked with phlegm" Strafford Papers, vol. ii. p. 164.

But it was a great and redeeming consolation to Pym that Hampden still sat by his side, and that up to the close of their illustrious career the most intimate private friendship henceforth united them even more closely, if that were possible, than the great public objects they pursued in common. Hitherto Hampden had been "rather of reputation in his own country, than of public discourse or fame in the kingdom;" but the business of ship-money had made him the argument of all tongues; and to the toils and perils of public life he now, by Pym's side, entirely devoted himself. He brought up all his family to London from their seat in Buckinghamshire, which only at a few chance intervals he ever saw again; and it is an additional proof of the close intimacy I speak of, that henceforward they lived in lodgings near Pym's house [1], which was then in Gray's Inn Lane, until the commencement of the following parliament, when Pym having changed his residence to Westminster, Hampden removed there also. [2] Before the meeting of the present parliament, I should also mention, they had ridden together through several of the English counties, less with the view, as Anthony à Wood states, of "promoting elections of the puritanical brethren," than of urging the people to meet and send petitions to the house of commons as soon as possible after it had assembled. Petitioning parliament was first organised thus, as a system, by Pym and Hampden. The result was sensibly felt the day after the delivery of the king's speech, when several county members rose and presented petitions from their respective counties [3], complaining of ship-money projects and monopolies, the star-chamber and high commission courts, and other heavy grievances. Hence, — though the king had, at the close of the lord keeper's speech the day before, distinctly asked of the house that they should proceed at

[1] See Lord Nugent's Memorials of Hampden, vol i p. 296.
[2] See Clarendon's Life
[3] Rushworth, vol. iii. p 1131.

once to the consideration of the Scotch business with a view to supplies, and for this purpose had specially ordered the lord keeper's speech and his own to be entered on the journals, — even the royalist members of the house could not but recognise, after the presentation of such a series of petitions from the people they represented, a certain sort of "divided duty." This was exactly the occasion Pym had sought, and he availed himself of it.

"Whilst men gazed upon each other," says lord Clarendon, "looking who should begin, (much the greater part having never before sat in parliament), Mr. Pym, a man of good reputation [1], but much better known afterwards, who had been as long in those assemblies as any man then living, brake the ice; and in a set discourse of above two hours, after mention of the king with profound reverence, and commendation of his wisdom and justice, he observed, "that by the long intermission of parliaments many unwarrantable things had been practised, notwithstanding the great virtue of his majesty;" and then enumerated all the projects which had been set on foot; all the illegal proclamations which had been published, and the proceedings which had been upon those proclamations; the judgment upon ship-money; and many grievances which related to the ecclesiastical jurisdiction; summing up shortly and sharply, all that most reflected upon the prudence and justice of the government; and concluding "that he had only laid that scheme before them that *they might see how much work they had to do to satisfy their country*, the method and manner of the doing whereof he left to their wisdoms." To this may be added the characteristic description given by May, the historian of the Long Parliament. "Master Pym, a grave and religious gentleman, in a long speech of almost two hours, recited a catalogue of

[1] Whitelock thus describes him:—"Master Pym, an ancient gentleman of great experience in parliamentary affairs, and no less known fidelity to his country."

the grievances which at that time lay heavy on the commonwealth, *of which many abbreviated copies, as extracting the heads only, were with great greediness taken by gentlemen, and others throughout the kingdom,* for it was not then in fashion to print speeches of parliament."

The effect of this speech was so extraordinary throughout England, that it has been made matter of general comment with all the historians of the period. The only reference they are able to give, however, is to the abstract supplied by Rushworth [1]; and this seemed to me to be so unsatisfactory a version, that I commenced a search among the pamphlets at the British Museum, in the hope that some publication of a speech that had produced such results, and which might possibly have taken place with Pym's authority, had escaped the notice of the indefatigable collector. This hope was not disappointed; and some extensive extracts shall now be laid before the reader, from a report which received the subsequent correction of Pym himself. These extracts are remarkable on every account: they do not simply illustrate the period better than any laboured history can; they will be found to mark, also, most emphatically, a certain grave and subdued style and manner in the speaker, which singularly contrasts with his tone at the meeting of the parliament that followed. It is as though he spoke — and doubtless he did speak — with the thorough knowledge that, as the present parliament had been called by the king, the next was to be forced into existence by the people. The report is given in the third person, and opens thus: —

"Never parliament had greater businesses to dispatch, nor more difficulties to encounter; therefore wee have reason to take all advantages of order and addresse, and hereby wee shall not only doe our owne worke, but dispose and inable ourselves for the better satisfaction of his majesty's desire of supply. *The grievances being*

[1] Vol. III. p. 1131. Old. Parl. Hist. vol. VIII. p. 425.

removed, our affections will carry us with speede and cheerefulnesse, to give his majestie that which may be sufficient both for his honor and support. Those that in the very first place shall endeavour to redresse the grievances, will be found not to hinder, but to bee the best furtherers of his majestie's service. *Hee that takes away weights, doth as much advantage motion, as he that addeth wings.* Divers pieces of this maine worke have beene already propounded; his endeavour should be to present to the house a modell of the whole. In the creation, God made the world according to that idea or forme, which was eternally pre-existent in the divine minde. Moses was commanded to frame the tabernacle after the patterne shewed him in the mount. *Those actions are seldome well perfected in the execution, which are not first well moulded in the designe and proposition.*"

In such passages as these, for abundance of argument, and weight, no less than closeness, of reasoning, the eloquence of Pym approaches to the more deliberate compositions of Lord Bacon.

"He said he would labour to contract those manifold affaires both of the church and state, which did so earnestly require the wisdome and faithfulnesse of this house, into a double method of grievances and cures. And because there wanted not some who pretended, that these things wherewith the commonwealth is now grieved, are much for the advantage of the king, and that the redresse of them will be to his majesty's great disadvantage and losse (hee said) he doubted not but to make it appeare, that in discovering the present great distempers and disorders, and procuring remedie for them, we should bee no lesse serviceable to his majestie, who hath summoned us to this great councell, than usefull to those whom we doe here represent. For the better effecting whereof he propounded three maine branches of his discourse. In the first (he said) he would offer them the severall heads of some principall grievances, under which the kingdom groaned. In the

second, he undertook to prove, that the disorders from whence those grievances issued, were as hurtfull to the king as to the people. In the third, he would advise such a way of healing and removing those grievances, as might bee equally effectuall to maintaine the honour and greatnesse of the king, and to procure the prosperitie and contentment of the people.

"In the handling whereof he promised to use such expressions as might mitigate the sharpnesse and bitternesse of those things whereof he was to speake, so far as his duty and faithfulnesse would allow. It is a great prerogative to the king, and a great honour attributed to him, in a maxime of our law, that he can doe no wrong; he is the fountaine of justice; and, if there be any injustice in the execution of his commands, the law casts it upon the ministers, and frees the king. *Activitie, life, and vigour, are conveyed into the sublunary creatures by the influence of Heaven; but the malignitie and distemper, the cause of so many epidemicall diseases, doe proceed from the noysome vapours of the earth, or some ill affected qualities of the aire, without any infection or alteration of those pure, celestiall, and incorruptible bodies.* In the like manner (he said) the authoritie, the power, and countenance of princes, may concur in the actions of evill men, without partaking in the injustice and obliquitie of them. These matters whereof we complaine, have been presented to his majesty, either under the pretence of royall prerogatives, which he is bound to maintaine, or of public good which is the most honorable object of regall wisdom. But the covetous and ambitious designes of others have interposed betwixt his royall intentions, and the happinesse of his people, making those things pernicious and hurtfull, which his majestie apprehended as just and profitable."

How admirable is the grace and modesty of expression in the first passage that follows, and how thoughtful and comprehensive the tone of the rest!

"He said, the things which he was to propound were of a various nature, many of them such as required a

very tender and exquisite consideration. In handling of which, as he would be bold to use the liberty of the place and relation wherein he stood, so he would be very carefull to expresse that modestie and humilitie, which might be expected by those of whose actions he was to speake. And if his judgment or his tongue should slip into any particular mistake, *he would not thinke it so great a shame to faile by his own weaknesse, as he should esteem it an honour and advantage, to be corrected by the wisdom of that house to which he submitted himself, with this protestation, that he desired no reformation so much as to reforme himselfe.*

"The greatest liberty of the kingdom is religion; thereby we are freed from spiritual evils, *and no impositions are so grievous as those that are laid upon the soule.* The next great liberty is justice, whereby we are preserved from injuries in our persons and estates; from this is derived into the commonwealth, peace, and order, and safety; and when this is interrupted, confusion and danger are ready to overwhelm all. The third great liberty consists in the power and priviledge of parliaments; for this is the fountaine of law, the great councell of the kingdome, the highest court; this is inabled, by the legislative and consiliarie power, to prevent evils to come; by the judiciarie power, to suppresse and remove evils present. If you consider these three great liberties in the order of dignitie, this last is inferiour to the other two, as meanes are inferiour to the end; but if you consider them in the order of necessitie and use, this may justly claim the first place in our care, because the end cannot be obtained without the meanes; and if we doe not preserve this, we cannot long hope to enjoy either of the other. Therefore (he said) being to speake of those grievances which lie upon the kingdome, hee would observe this order.

"1. First to mention those which were against the priviledge of parliaments. 2. Those which were prejudiciall to the religion established in the kingdome. 3. Those which did interrupt the justice of the realme

in the libertie of our persons and propriety of our estates.

"The privileges of parliament were not given for the ornament or advantage of those who are the members of parliament. They have a reall use and efficacie towards that which is the end of parliaments. We are free from suits that we may the more intirely addict ourselves to the publick services; we have, therefore, libertie of speach, that our counsels may not be corrupted with feare, or our judgements perverted with selfe respects. Those three great faculties and functions of parliament, the legislative, judiciarie, and consiliarie power, cannot be well exercised without such priviledges as these. The wisedom of our laws, the faithfullnesse of our counsels, the righteousnesse of our judgements, can hardly be kept pure and untainted, if they proceed from distracted and restrained mindes.

"It is a good rule of the morall philosopher, *Et non lædas mentem gubernatricem omnium actionum.* These powers of parliament are to the bodie politike as the rationall faculties of the soule to a man: *that which keepes all the parts of the commonwealth in frame and temper, ought to be most carefully preserved in that freedome, vigour, and activitie, which belongs to it self.* Our predecessors in this house have ever been most carefull in the first place to settle and secure their priviledges; and (he said) he hoped, that we having had greater breaches made upon us than heretofore, would be no lesse tender of them, *and forward in seeking reparation for that which is past, and prevention of the like for the time to come.*

"Then hee propounded divers particular points wherein the priviledge of parliament had been broken. First, in restraining the members of the house from speaking. Secondly, in forbidding the speaker to put any question.

"These two were practiced the last day of the last parliament (and, as was alledged by his majestie's command); and both of them trench upon the very life

and being of parliaments; for if such a restraining power as this should take root, and bee admitted, it will be impossible for us to bring any resolution to perfection in such matters as shall displease those about the king.

"Thirdly, by imprisoning divers members of the house, for matters done in parliament. Fourthly, by indictments, informations, and judgments in ordinary and inferiour courts, for speaches and proceedings in parliaments. Fifthly, by the disgraceful order of the king's bench, whereby some members of this house were injoyned to put in securitie of their good behaviour; and for refusall thereof, were continued in prison, divers yeares, without any particular allegation against them. *One of them was freed by death.*[1] Others were not dismissed[2] till his majesty had declared his intention to summon the present parliament. And this he noted not only has a breach of privilege, *but as a violation of the common justice of the kingdome.* Sixthly, by the sudden and abrupt dissolution of parliaments, contrary to the law and custom.

"Often hath it been declared in parliaments, that the parliament should not be dissolved, till the petitions be answered. This (he said) was a great grievance because it doth prevent the redresse of other grievances. It were a hard case that a private man should bee put to death without being heard. As this representative body of the commons receives a being by the summons, so it receives a civill death by the dissolution. Is it not a much more heavie doome by which we lose our being, to have this civill death inflicted on us *in displeasure,* and not to be allowed time and liberty to answer for ourselves? that we should not only die, *but have this*

[1] This allusion to Eliot is interesting; and I should add that, two or three days after, Pym moved "that it be referred to the committee of the Tower, to examine *after what manner sir John Eliot came to his death, his usage in the Tower, and to view the rooms and places where he was imprisoned, and where he died,* and to report the same to the house." I have not been able to find the report. The terms of the notice are very remarkable, and suggest other notions besides that of Pym's affection for his old friend.

[2] That is, not released from bail. They were all released from prison before Eliot.

mark of infamy laid upon us? to bee made intestabiles, disabled to make our wills, to dispose of our businesse, as this house hath always used to doe before adjournments or dissolutions? yet this hath often been our case! We have not beene permitted to poure out our last sighes and groanes into the bosome of our deare soveraigne. *The words of dying men are full of piercing affections;* if we might be heard to speake, no doubt we should so fully expresse our love and faithfulnesse to our prince, as might take off the false suggestions and aspercions of others: at least we should in our humble supplications recommend some such things to him in the name of his people, as would make for his owne honour and the publike good of his kingdome.

"Thus he concluded the first sort of grievances, being such as were against the priviledge of parliament, and passed on to the next, concerning religion; all which hee conveyed under these four heads. The first, was the great encouragement given to poperie, of which he produced these particular evidences. 1. A suspension of all laws against papists, whereby they enjoy a free and almost publike exercise of that religion. Those good statutes which were made for restraint of idolatrie and superstition are now a ground of securitie to them in the practice of both; *being used to no other end but to get money into the king's purse;* which, as it is clearly against the intentions of the law, so it is full of mischiefe to the kingdome."

Here Pym interposed a few words which vindicate his memory from the charge that has so often been urged against it, of religious bigotry and intolerance. Laud's indulgences to the catholics may possibly be thought, now-a-days, and justly so thought, unworthy of either regret or blame; but let the reader place himself in the position of a protestant non-conformist of that period, and think of the hardships he would have suffered for refusing to bow his conscience to certain prescribed formulæ in doctrine and ceremonial, and contrast them next with these catholic indulgences; or, considering

himself only as a statesman bent on the achievement of responsible government, let him, knowing the connection in that day of popery with absolute power, observe the eager servility with which the "indulged" catholics sought to make themselves, upon every occasion, the most active instruments of Charles's despotism. Thoroughly was Pym justified in saying what follows! —

"By this means a dangerous party is cherished and increased, who are ready to close with any opportunitie of disturbing the peace and safety of the state. Yet (hee said) *hee did not desire any new laws against poperie, or any rigorous courses in the execution of those alreadie in force: he was far from seeking the ruin of their persons or estates; onely he wish't they might be kept in such a condition as should restraine them from doing hurt.*

"It may bee objected, there are moderate and discreet men amongst them, men of estates, such as have an interest in the peace and prosperitie of the kingdom as well as wee. These (hee said) were not to be considered according to their own disposition, but according to the nature of the body whereof they are parties. The planets have severall and particular motions of their owne, yet they are all rapt and transported into a contrarie course by the superior orbe which comprehends them all. The principles of poperie are such as are incompatible with any other religion. There may be a suspension of violence for some by certain respects; but the ultimate end even of that moderation is, that they may with more advantage extirpate that which is opposite to them. Laws will not restrain them. Oathes will not. The pope can dispense with both these, and where there is occasion, his command will move them to the disturbance of the realme — against their own private disposition — yea, against their own reason and judgement — to obey him; to whom they have (especially the jesuiticall party) absolutely and intirely obliged themselves, not only in spiritual matters, but in temporal; as

they are in order *ad spiritualia.* Henry III. and Henry IV. of France, were no protestants themselves, yet were murthered because they tolerated the Protestants. The king and the kingdome can have no securitie but in their weakness and disabilitie to do hurt.

"2. A second incouragement is, their admission into places of power and trust in the commonwealth, whereby they get many dependants and adherents, not only of their owne, but even of such as make profession to be protestants. 3. A third, their freedome of resorting to London and the court, whereby they have opportunitie, not only of communicating their counsels and designes one to another, but of diving into his majesty's counsels, by the frequent accesse of those who are active men amongst them, to the tables and company of great men; and, under subtile pretences and disguises, they want not means of cherishing their own projects, and of indeavouring to mould and biasse the public affairs to the great advantage of that partie. 4. A fourth, that as they have a congregation of cardinals at Rome, to consider of the aptest wayes and means of establishing the pope's authoritie and religion in England, so they have a nuncio here, to act and dispose that party to the execution of those counsels, and, by the assistance of such cunning and jesuiticall spirits as swarm in this town, to order and manage all actions and events, to the furtherance of that maine end.

"The second grievance of religion, was from those manifold innovations lately introduced into several parts of the kingdom, all inclining to poperie, and disposing and fitting men to entertain it. The particulars were these: — 1. Divers of the chiefest points of religion in difference betwixt us and the papists have been publickly defended, in licensed books, in sermons, in universitie acts and disputations. 2. Divers popish ceremonies have been not only practised but countenanced, yea, little less than injoyned, as altars, images, crucifixes, bowings, and other gestures and observances [1], which put upon

[1] See the Life of Eliot, p. 87, 88. and Life of Strafford, p. 313—317.

our churches a shape and face of poperie. *Hee compared this to the drie bones in Ezekiel. First, they came together; then the sinews and the flesh came upon them; after this the skin covered them; and then breath and life was put into them! So (he said) after these men had moulded us into an outward forme and visage of poperie, they would more boldly endeavour to breathe into us the spirit of life and poperie.*

"The third grievance was the countenancing and preferring those men who were most forward in setting up such innovations: the particulars were so well known, that they needed not to be named.

"The fourth was, the discouragement of those who were knowne to bee most conscionable and faithfull professors of the truth. Some of the wayes of effecting this he observed to be these. The courses taken *to inforce and inlarge those unhappy differences, for matters of small moment, which have been amongst ourselves*, and to raise up new occasions of further division, *whereby many have been induced to forsake the land*, not seeing the end of those voluntarie and human injunctions in things appertaining to God's worship. Those who are indeed lovers of religion, and of the churches of God, would seek to make up those breaches, and to unite us more entirely against the common enemie. 2. The over rigid prosecution of those *who are scrupulous in using some things enjoyned, which are held by those who enjoyn them to be in themselves indifferent.* It hath beene ever the desire of this house, exprest in many parliaments in queene Elizabeth's time and since, that such might be tenderly used. It was one of our petitions delivered at Oxford to his majestie that now is; but what little moderation it hath produced, is not unknown to us all! *Any other vice almost may be better endured in a minister than inconformitie!* 3. The unjust punishments and vexations of sundry persons for matters required without any warrant of law: as, for not reading the booke concerning recreation on the Lord's day; for not removing the communion table to bee set altarwise at

the east end of the chancell; for not coming up to the railes to receive the sacrament; for preaching the Lord's day in the afternoone; for catechising in any other words and manner than in the precise words of the short catechisme in the common prayer book.

"The fifth and last grievance concerning religion, was the incroachment and abuse of ecclesiastical jurisdiction. The particulars mentioned were these:—1. Fining and imprisoning in cases not allowed by law. 2. The challenging their jurisdiction to be appropriate to their order, which they alledge to be jure divino. 3. The contriving and publishing of new articles, upon which they inforce the churchwardens to take oaths and to make inquiries and presentments, as if such articles had the force of canons; and this, he said, was an effect of great presumption and boldnesse, not onely in the bishops, but in their archdeacons, officials, and chancellors, taking upon themselves a kinde of synodall authoritie. The injunctions of this kind might, indeed, well partake in name with that part of the common law which is called the extravagants!"

A more masterly statement than this, of the precise bearings of one of those great questions of the time, which it is probably the most difficult to sympathise with now, except, indeed, in the broad statement of a certain widely felt ecclesiastical oppression, could not possibly be furnished; and from such a speaker it is invaluable.

But Pym's treatment of the civil oppressions of the state is felt, from the nature of the subject, with still greater force. A more massive document was never given to history. It has all the solidity, weight, and gravity of a judicial record; while it addresses itself equally to the solid good sense of the masses of the people, and to the cultivated understandings of the time. The deliberative gravity, the force, the broad decided manner of this great speaker, contrast forcibly with those choice specimens of awkward affectations and laboured

extravagances, that have not seldom passed in modern days for oratory.

"Having dispatched these several points, hee proceeded to the third kind of grievances, being such as are against the common justice of the realm, in the libertie of our persons, and proprietie of our estates, of which (he said) he had many to propound: in doing whereof, he would rather observe the order of time, wherein they were acted, than of consequence; but when hee should come to the cure, hee should then persuade the house to begin with those which were of most importance, as being now in execution, and very much pressing and exhausting the commonwealth.

"He began with the tonnage and poundage, and other impositions not warranted by law; and because these burdens had long lain upon us, and the principles which produced them, are the same from whence divers others are derived, he thought it necessary to premise a short narrative and relation of the grounds and proceedings of the power of imposing herein practised. It was (he said) a fundamental truth, essential to the constitution and government of this kingdom,—an hereditarie liberty and privilege of all the freeborn subjects of the land,—that no tax, tallage, or other charge might be laid upon us, without common consent in parliament. This was acknowledged by the Conqueror; ratified in that contract which he made with this nation, upon his admittance to the kingdome; declared and confirmed in the lawes which he published.

"This hath never been *denyed* by any of our kings, though broken and interrupted by some of them, especially by king John and Henry III. Then, againe, it was confirmed by Mag. Chart. and other succeeding lawes: yet not so well settled but that it was sometime attempted by the two succeeding Edwards; in whose times the subjects were very sensible of all the breaches made upon the common libertie, and, by the opportunitie of frequent parliaments, pursued them with fresh

complaints, and for the most part found redresse, and procured the right of the subject to be fortified by new statutes.

"He observed that those kings, *even in the acts whereby they did break the law, did really affirm the subject's libertie*, and disclaim that right of imposing which is now challenged: for they did usually procure the merchants' consent to such taxes as were laid, thereby to put a colour of justice upon their proceeding; and ordinarily they were limited to a short time, and then propounded to the ratification of the parliament, where they were cancelled or confirmed, as the necessity and state of the kingdom did require. But for the most part such charges upon merchandize were taken by authoritie of parliament, and granted for some short time, in a greater or lesser proportion, as was requisite for supply of the publike occasions;—six or twelve in the pound, for one, two, or three yeares; as they saw cause, to be employed for the defence of the sea: and it was acknowledged so clearly to be in the power of parliament, that they have sometimes been granted to noblemen, and sometimes to merchants, to bee disposed for that use. Afterward they were granted to the king for life, and so continued for divers descents, yet still as a gift and grant of the commons.

"Betwixt the time of Edward III. and queene Mary, never prince (that he could remember) offered to demand any imposition but by grant in parliament. Queene Mary laid a charge upon cloth, by the equitie of the statute of tonnage and poundage, because the rate set upon wool was much more than upon cloth; and, there being little wooll carried out of the kingdom unwrought, the queen thought she had reason to lay on somewhat more; yet not full so much as brought them to an equalitie, but that still there continued a lesse charge upon wooll wrought into cloth than upon wooll carried out unwrought; until king James's time, when, upon Nicholson's project, there was a further

addition of charge, but still upon pretence of the statute, which is that we call *the pretermitted custome.*

"In queen Elizabeth's time, it is true, one or two little impositions crept in, *the generall prosperitie of her raigne overshadowing small errors and innovations.* One of these was upon currants, by occasion of the merchants' complaints that the Venetians had laid a charge upon the English cloth, that so we might bee even with them, and force them the sooner to take it off. But this being demanded by king James, was denyed by one Bates, a merchant, and upon a suit in the exchequer, was adjudged for the king. Now, the manner of that judgement was thus. There were then but three judges in that court, all differing from one another in the grounds of their sentences. The first was of opinion, the king might impose upon such commodities as were forraign and superfluous, as currants were, but not upon such as were native and to be transported, or necessarie, and to be imported for the use of the kingdome. The second judge was of opinion, he might impose upon all forraign merchandize, whether superfluous or no, but not upon native. The third, that for as much as the king had the custody of the ports, and the guard of the seas, and that he might open and shut up the ports as he pleased, hee had a prerogative to impose upon all merchandize, both exported and imported. Yet this single, distracted, and divided judgment, is the foundation of all the impositions now in practice! for after this, king James laid new charges upon all commodities outward and inward, not limited to a certain time and occasion, but reserved to himself, his heires and successors, for ever—*the first impositions in fee simple that were ever heard of in this kingdome.* This judgment, and the right of imposing thereupon assumed, was questioned in septimo and duodecimo of that king, and was the cause of the breach of both those parliaments. In 18 & 21 Jacobi, indeed, it was not agitated by this house, but only that they might preserve the favor of

the king, for the dispatch of some other great businesses, upon which they were more especially attentive.[1] But in the first of his present majestie, it necessarily came to be remembered, upon the proposition on the king's part, for renewing the bill of tonnage and poundage; yet so moderate was that parliament, that they thought rather to confirm the impositions already set by a law to be made, than to abolish them by a judgment in parliament; *but that and divers insuing parliaments have been unhappilie broken, before that endeavour could be accomplished:* only at the last meeting a remonstrance was made concerning the libertie of the subject in this point; and it hath alwayes beene expressed to bee the meaning of the house, and so it was (as hee said) his owne meaning in the proposition now made, to settle and restore the right according to law, and not to diminish the king's profit, but to establish it by a free grant in parliament.

"However, since the breach of the last parliament, his majestie hath, by a new book of rates, very much increased the burden upon merchandize; and now tonnage and poundage, old and new impositions, are all taken by prerogative, without any grant in parliament, or authoritie of law, as we conceive; from whence divers inconveniences and mischiefs are produced. 1. The danger of the president, that a judgment in one court, and in one case, is made binding to all the kingdome. 2. Men's goods are seized, their legall suits are stopped, and justice denyed to those, that desire to take the benefit of the law. 3. The great sums of money received upon these impositions, intended for the guard of the seas, claimed and defended upon no ground but of publike trust, for protection of merchants and defence of the ports, are dispersed to other uses, and a new tax raised for the same purposes. 4. These burdens are so excessive, that trade is thereby very much hindered, the commodities of our own growth extremely abased, and those imported much enhaunsed; all which lies not upon the

[1] The war with the Palatinate. See Life of Eliot, p. 18—24.

merchant alone, but upon the generalitie of the subject; and by this means the stock of the kingdom is much diminisht, our exportation being lesse profitable, and our importation more changeable. *And if the warrs and troubles in the neighbour parts had not brought almost the whole streame of trade into this kingdome,* we should have found many more prejudiciall effects of these impositions, long before this time, than yet wee have done. Especially they have beene insupportable to the poore plantations, whither many of his majestie's subjects have beene transported, in divers parts of the continent and islands of America, in furtherance of a designe tending to the honor of the kingdome, and the inlargement of his majestie's dominions. The adventurers in this noble worke have for the most part no other support but tobacco, upon which such a heavy rate is set, that the king receives twice as much as the true value of the commoditie to the owner. 5. Whereas these great burdens have caused divers merchants to apply themselves to a way of traffique abroad by transporting goods from one countrey to another, without bringing them home into England. But now it hath beene lately endeavoured to set an imposition upon this trade, so that the king will have a dutie even out of those commodities which never come within his dominions, to the great discouragement of such active and industrious men.

"The next generall head of civill grievances, was inforcing men to compound for knighthood; which though it may seeme past, because it is divers yeares since it was used, yet upon the same grounds the king may renew it, as often as he pleaseth, for the composition looks backward, and the offence continuing is subject to a new fine. The state of that businesse he layed downe thus: — Heretofore, when the services due by tenure were taken in kind, it were fit there were some way of triall and approbation of those that were bound to such services. Therefore it was ordained, that such as were to doe knight's services, after they came of age and had

possession* of their lands, should bee made knights; that is, publikely declared to bee fit for that service: — divers ceremonies and solemnities were in use for this purpose; and if by the partie's neglect this was not done, he was punishable by fine; there being in those times an ordinary and open way to get knighthood, for those who were borne to it. Now it is quite true, that although the use of this hath for divers ages been discontinued, yet there have past very few kings under whom there hath not been a generall summons, requiring those who had lands of such value as the law prescribes, to appeare at the coronation, or some other great solemnitie, and to bee knighted, and yet nothing intended but the getting of some small fines. So this grievance is not altogether new in the kind; but it is new in the manner, and in the excesse of it, and that in divers respects. 1. First, it hath been extended beyond all intention and colour of law. Not only inneholders, but likewise lease-holders, copyholders, merchants, and others; scarce any man free from it. 2. The fines have been immoderate, far beyond the proportion of former times. 3. The proportion have been without any example, president, or rule of justice. For though those that were summoned did appear, yet distresses infinite were made out against them, and issues increased and multiplyed, and no way open to discharge those issues, by plea or otherwise, but onely by compounding with the commissioners at their own pleasure.

"The third general head of civil grievances was, the great inundation of monopolies; whereby heavy burthens are laid, not only upon forraigne but also native commodities. These began in the soap patent. The principall undertakers in this *were divers Popish recusants, men of estate and qualitie*, such as in likelyhood did not only aime at their private gaine, *but that by this open breach of law, the king and his people might be more fully divided, and the wayes of parliament men more thoroughly obstructed.* Amongst the infinite inconveniences and mischiefes which this did produce, these

few may be observed. 1. The impairing the goodnesse, and inhauncing the price of most of the commodities and manufactures of the realme, yea, of those which are of most necessarie and common use, as salt, soape, beere, coles, and infinite others. 2. That, under colour of licenses, trades and manufactures are restrained to a few hands, and many of the subjects deprived of their ordinary way of livelihood. 3. That upon such illegall grants, a great number of persons had beene unjustly vexed by pursevants, imprisonments, attendance upon the counsell table, forfeiture of goods, and many other wayes.

"The fourth head of civil grievances was, that great and unparalleled grievance of the ship money, which, though it may seeme to have more warrant of law than the rest, because there hath a judgement passed for it, yet in truth it is thereby aggravated, if it bee considered that the judgement is founded upon the naked opinion of some judges without any written law, without any custome, or authoritie of law-bookes, yea, without any one president for it! Many expresse lawes, many declarations in parliaments, and the constant practice and judgment at all times being against it! yea, in the very nature of it, it will be found to be disproportionable to the case of '*necessitie*' which is pretended to be the ground of it! *Necessitie* excludes all formalities and solemnities. It is no time then to make levies and taxes, to build and prepare ships. Every man's person, every man's ships, are to be imployed for the resisting of an invading enemie. The right on the subject's part was so cleare, and the pretences against it so weake, that hee thought no man would venture his reputation or conscience in the defence of that judgment, being so contrary to the grounds of the law, to the practice of former times, and so inconsistent in its selfe.

"Amongst many inconveniences and obliquities of this grievance, he noted these. 1. That it extendeth to all persons, and to all times; it subjecteth our goods to distresse, and our persons to imprisonment; and, the

causes of it being secret and invisible, referred to his majesties breast alone, the subject was left without possibilitie of exception and reliefe. 2. That there was no rules or limits for the proportion ; so that no man knew what estate he had, or how to order his course or expences. 3. That it was taken out of the subject's purse by a writt, and brought into the king's coffers by instructions from the lords of his most honourable privie councell. Now in the legall defence of it, the writ only did appeare ; of the instructions there was no notice taken, which yet in the real execution of it were most predominant. *It carries the face of service in the writ, and of revenue in the instructions.* Why, if this way had not been found to turn the ship into money, it would easily have appeared how incompatible this service is with the office of a sheriffe, in the inland counties ; and how incongruous and inconvenient for the inhabitants ! *The law in a body politike is like nature, which alwayes prepareth and disposeth proper and fit instruments and organes for every naturall operation.* If the law had intended any such charge as this, there should have beene certaine rules, suitable meanes and courses, for the levying and managing of it.

" The fifth head was the inlargement of the forrests beyond the bounds and perambulations appointed and established by act of parliament 27 & 28 Edward I. ; and this is done upon the very reasons and exceptions which had been on the king's part propounded, and by the commons answered, in parliament, not long after that establishment. It is not unknowne to many in this house, that those perambulations were the fruit and effect of that famous charter which is called *Charta de forrestâ*, whereby many tumults, troubles, and discontents had beene taken away, and composed between the king and his subjects ; and it is full of danger, that by reviving those old questions, wee may fall into the like distempers. Hereby, however, no blame could fall upon that great lord, who is now justice in Eyre, and in whose name these things were acted ; it

could not be expected that he should take notice of the lawes and customes of the realme; therefore he was carefull to procure the assistance and direction of the judges; and if any thing were done against law, it was for them to answer, and not for him.

"The particular irregularities and obliquities of this businesse were these:—1. The surruptitious procuring a verdict for the king; without giving notice to the countrey, whereby they might be prepared to give in evidence for their own interest and indemnitie; as was done in Essex. 2. Whereas the judges in the justice seat in Essex were consulted with, about the entry of the former verdict, and delivered their opinion touching that alone, without medling with the point of right; this opinion was after inforced in other counties, as if it had been a judgement upon the matter, and the councell for the county discountenanced in speaking, because it was said to be already adjudged. 3. The inheritance of divers of the subjects have beene hereupon disturbed, after the quiet possession of three or four hundred years, and a way opened for the disturbance of many others. 4. Great summs of money have been drawn from such as have lands within these pretended bounds, and those who have forborne to make composition have beene threatened with the execution of these forest lawes. 5. The fifth was the selling of nusances, or at least some such things as are supposed to bee nusances. The king, as father of the commonwealth, is to take care of the publike commodities and advantages of his subjects, as rivers, highways, common sewers, and such like, and is to remove whatsoever is prejudiciall to them; and for the tryall of those, there are legall and ordinary writs of ad quod damnum; but of late a new and extrajudiciall way hath beene taken, of declaring matters to be nusances; and divers have thereupon been questioned, and if they would not compound, they have beene fined; if they doe compound, that which was first prosecuted as a common nusance, is taken into the king's protection, and allowed to stand; and having

yeelded the king money, no further care is taken whether it be good or bad for the commonwealth. *By this a very great and publike trust is either broken or abused.* If the matter compounded for be truly a nusance, then it is broken to the hurt of the people; if it bee not a nusance, then it is abused to the hurt of the partie. The particulars mentioned were: First, The commission for buildings in and about this towne, which heretofore hath beene presented by this house as a grievance in king James his time, but now of late the execution hath beene much more frequent and prejudiciall than it was before. Secondly, Commission for depopulations, which began some few years since, and is still in hot prosecution. By both these the subject is restrained from disposing of his owne. Some have been commanded to demolish their houses; others have been forbidden to build; others, after great trouble and vexation, have beene forced to redeeme their peace with large summes, and they still remain, by law, as lyable to a new question as before; for it is agreed by all, that the king cannot license a common nusance; and although indeed these are not such, yet it is a matter of very ill consequence, that under that name they should be compounded for, *and may in ill times hereafter bee made a president for the kings of this realme to claime a power of licensing such things as are nusances indeed.*

"The seventh great civil grievance hath been, the militarie charges laid upon the severall counties of the kingdome; sometimes by warrant under his majestie's signature; sometimes by letters from the councell table; and sometimes (such hath been the boldnesse and presumption of some men), by the order of the lord lieutenants, or deputy lieutenant alone. This is a growing evill; still multiplying and increasing from a few particulars to many, from small summes to great. It began first to be practised as a loane, for supply of coat and conduct money; and for this it hath some countenance from the use in queen Elizabeth's time, when

the lords of the councell did often desire the deputy lieutenants to procure so much money to be laid out in the countrey as the service did require, with a promise to pay it againe in London; for which purpose there was a constant warrant in the exchequer. This (he said) was the practice in her time, and in a great part of king James's. But the payments were then so certain, as it was little otherwise than taking up money upon bills of exchange. At this day they follow these presidents in the manner of the demand (for it is with a promise of a repayment), but not in the certaintie and readinesse of satisfaction.

"The first particular brought into a tax (as he thought) was the muster master's wages, at which many repined; but being for small summs, it began to bee generally digested: yet, in the last parliament, this house was sensible of it, and to avoid the danger of the president that the subjects should be forced to make any payments without consent in parliament, they thought upon a bill that might bee a rule to the lieutenants what to demand, and to the people what to pay. *But the hopes of this bill were dasht in the dissolution of that parliament.* Now of late divers other particulars are growing into practise, which make the grievance much more heavie. Those mentioned were these. 1. Pressing men against their will, and forcing them which are rich or unwilling to serve, to find others in their place. 2. The provision of publike magazines for powder, and other munition, spades and pickaxes. 3. The salarie of divers officers besides the muster master. 4. The buying of cart-horses and carts, and hiring of carts for carriages.

"The eighth head of civil grievances was the extra-judiciall declarations of judges, whereby the subjects have been bound in matters of great importance without heareing of councell or argument on their part, and are left without legall remedie, by writ of errour or otherwise. He remembered the expression used by a former member of the house, of a 'teeming parliament.'

This (he said) was a teeming grievance; from hence have issued most of the great grievances now in being. The ship-money—the pretended nusances already mentioned—and some others which have not yet been toucht upon, — especially that concerning the proceedings of ecclesiastical courts.

"The ninth general head was — that the authoritie and wisedom of the councell table have been applied to the contriving and managing of severall monopolies, and other great grievances. The institution of the councell table was much for the advantage and securitie of the subject, to avoid surreptitious and precipitate courts in the great affairs of the kingdome. But by law an oath should be taken by all those of the king's counsell; in which, amongst other things, it is exprest that they should for no cause forbeare to doe right, to all the king's people. *If such an oath be not now taken, he wisht it might be brought into use againe.*

"It was the honour of that table, *to bee as it were incorporated with the king;* his royall power and greatnesse did shine most conspicuously in their actions, and in their councels. Wee have heard of projectors and resurces heretofore; and what opinion and relish they have found in this house is not unknown. But that any such thing should be acted by the councell table, which might give strength and countenance to monopolies, *as it hath not been used till now of late, so it cannot be apprehended without the just griefe of the honest subject, and encouragement of those who are ill affected.* He remembered that in tertio of this king, a noble gentleman, then a very worthy member of the commons' house, now a great lord and eminent counsellour of state, did in this place declare an opinion concerning that clause used to bee inserted in pattents of monopolie, whereby justices of peace are commanded to assist the pattentees; and that he urged it to be agreat dishonour to those gentlemen which are in commission to be so meanely employed: — with how much more reason may wee, in jealousie of the

honour of the councell table, humbly desire that their precious time, their great abilities, designed to the publike care and service of the kingdome, *may not receive such a staine, such a diminution, as to be employed in matters of so ill report, in the estimation of the law; of so ill effect, in the apprehension of the people!*

"The tenth head of civil grievances was comprised in the high court of starchamber; which some thinke succeeded that which in the parliament rolls is called magnum concilium, and to which parliaments were wont so often to referre those important matters which they had no time to determine. But now this court, which in the late restauration or erection of it, in Henry VII.'s time, was especially designed to restraine the oppression of great men, and to remove the obstructions and impediments of the law, — this, which is both a court of councell and a court of justice, — hath been made an instrument of erecting and defending monopolies and other grievances; to set a face of right upon those things which are unlawfull in their own nature; a face of publike good, upon such as are pernicious in their use and execution. The soape-patent and divers other evidences thereof may be given, so well known as not to require a particular relation. And as if this were not enough, this court hath lately intermedled with the ship money! divers sheriffes have been questioned, for not levying and collecting such summs as their counties have been charged with; and if this beginning bee not prevented, the starre chamber will become a court of revenue, and it shall bee made *crime* not to collect or pay such taxes as the state shall require!

"The eleventh head of civil grievance was now come to. Hee said, hee was gone very high, yet hee must go a little higher. That great and most eminent power of the king, of making edicts and proclamations, which are said to be *leges temporis*, and by means of which our princes have used to encounter with such sudden and

unexpected danger, as would not indure so much delay, as assembling the great councell of the kingdome — this, which is one of the most glorious beames of majestie, most rigorous in commanding reverence and subjection, hath, to our unspeakable griefe, been often exercised of late for the enjoyning and maintaining sundry monopolies and other grants; exceeding burdensome, and prejudiciall to the people.

"The twelfth next. Now, although he was come as high as he could upon earth, yet the presumption of evill men did leade him one step higher—even as high as heaven — as high as the throne of God! It was now (he said) growne common for ambitious and corrupt men of the clergie to abuse the truth of God and the bond of conscience; preaching downe the lawes and liberties of the kingdom; and pretending divine authoritie for an absolute power in the king, to do what he would with our persons and goods. This hath been so often published in sermons and printed bookes, that *it is now the high way to preferment!*

"In the last parliament we had a sentence of an offence of this kind against one Manwaring, then a doctor, now a bishop; concerning whom (hee said) he would say no more but this, that *when he saw him at that barre, in the most humble and dejected posture that ever he observed, he thought he would not so soone have leapt into a bishop's chaire!* But his successe hath emboldened others; therefore (he said) this may well bee noted as a a double grievance, that such doctrine should be allowed, and that such men should bee preferred; yea, as a roote of grievances, whereby they indeavour to corrupt the king's conscience, and, as much as in them lyes, to deprive the people of that royal protection to which his majestie is bound by the fundamentall lawes of the kingdome, and by his own personall oathe.

"The thirteenth head of civil grievances he would thus express: The long intermission of parliaments, contrary to the two statutes yet in force, whereby it is appointed there should bee parliaments once a yeare, at the least;

and most contrary to the public goode of the kingdome; since, this being well remedied, it would generate remedies for all the rest."

These extracts will be thought as important as they are interesting, by every student of English history, or of the noblest aspects of the English character. To abridge them would be indeed to realise the story of the man who put a brick in his pocket, thinking to show it as the model of a house. What a grave, clear, solid, and laborious style! What honest seriousness and simplicity of tone in the reasoning! What an exquisite general union of fact and feeling in the ideas! What tenacity and firmness in the expression! No where is there any affectation of philosophy or fine taste; the understanding is invigorated and nourished throughout with its proper food. I will only observe further, that the wonderful adaptation of the manner and construction of the speech to the peculiar circumstances of the occasion, will be better felt by the reader hereafter.

"Having gone through the severall heads of grievances, he came to the second maine branch, propounded in the beginning: that the disorders from whence these grievances issued were as hurtfull to the king as to the people, of which he gave divers reasons. 1. The interruption of the sweet communion which ought to be betwixt the king and his people, in matters of grace and supply. They have need of him by his generall pardon; to be secured from projectors and informers; to bee freed from obsolete laws; from the subtle devices of such as seek to restraine the prerogative to their owne private advantage, and the public hurt: and he hath need of them for counsel and support, in great and extraordinary occasions. This mutuall intercourse, if indeed sustained, would so weane the affections and interests of his subjects into his actions and designes, that their wealth and their persons would be his; his own estate would be managed to most advantage; and publike undertakings would be prosecuted at the charge and adventure of the subject. The victorious attempts

in queene Elizabeth's time upon Portugall, Spaine, and the Indies, were for the greatest part made upon the subjects' purses, and not upon the queene's; though the honour and profit of the successe did most accrew to her. 2. Those often breaches and discontentments betwixt the king and the people are very apt to diminish his reputation abroad, and disadvantage his treaties and alliances. 3. The apprehension of the favor and incouragement given to poperie hath much weakened his majesty's partie beyond the sea, and impaired that advantage which queene Elizabeth and his royall father have heretofore made, of being heads of the protestant union. 4. The innovations in religion and rigour of ecclesiasticall courts, have forced a great many of his majesty's subjects to forsake the land; whereby not only their persons and their posteritie, but their wealth and their industry, are lost to this kingdome, much to the reduction, also, of his majestie's customes and subsidies. And, amongst other inconveniences of such a sort, this was especially to be observed, that divers clothiers, driven out of the countrey, had set up the manufacture of cloth beyond the seas; whereby this state is like to suffer much by abatement of the price of woolls, and by want of employment for the poore; both which likewise tend to his majestie's particular losse. 5. It puts the king upon improper wayes of supply, which being not warranted by law, *are much more burdensome to the subject than advantageous to his majestie.* In France, not long since, upon a survey of the king's revenue, it was found that two parts in three never came to the king's purse, but were diverted to the profit of the officers or ministers of the crowne, and it was thought a very good service and reformation to reduce two parts to the king, leaving still a third part to the instruments that were employed about getting it in. It may well be doubted that the king may have the like or worse successe in England, which appears already in some particulars. The king, for instance, hath reserved upon the monopoly of wines thirty thousand pound

rent a yeare; the vintner payes forty shillings a tun, which comes to ninety thousand pounds; the price upon the subject by retaile, is increased two-pence a quart, which comes to eight pound a tun, and for forty-five thousand tun brought in yearly, amounts to three hundred and sixty thousand pounds; which is three hundred and thirty thousand pounds losse to the kingdome, above the king's rent! Other monopolies also, as that of soape, have beene very chargeable to the kingdome, and brought very little treasure into his majestie's coffers. Thus it is that the law provides for that revenue of the crown which is naturall and proper, that it may be safely collected, and brought to account; but this illegal revenue, being without any such provision, is left to hazard, and much uncertainty, either not to be retained, or not duly accounted of. 6. It is apt to weaken the industrie and courage of the subject; if they be left uncertaine, whether they shall reap the benefite of their own paines and hazard. *Those who are brought into the condition of slaves will easily grow to a slavish disposition*, who, having nothing to loose, doe commonly shew more boldnesse in disturbing than defending a kingdome. 7. These irregular courses doe give opportunitie to ill instruments, to insinuate themselves into the king's service, *for we cannot but observe, that if a man be officious in furthering their inordinate burdens of ship money, monopolies, and the like, it varnisheth over all other faults, and makes him fit both for imployment and preferment*: so that out of their offices, they are furnisht for vast expences, purchases, buildings; and the king loseth often more in desperate debts at their deaths, than he got by them all their lives. Whether this were not lately verified in a westerne man, much imployed while he lived, he leaves to the knowledge of those who were acquainted with his course; and he doubted not but others might be found in the like case. The same course, again, has been pursued with those that are affected to popery, to prophanesse, and

to superstitious innovations, in matters of religion. *All kinds of spies and intelligencers have means to be countenanced and trusted if they will be but zealous in these kinde of services*, which, how much it detracts from his majestie, in honor, in profit, and prosperitie of publike affairs, lyes open to every man's apprehension. And from these reasons or some of them, he thought it proceeded *that through the whole course of the English story it might be observed, that those kings who had beene most respectfull of the laws, had beene most eminent in greatnesse, in glory, and successe, both at home and abroad*; and that others, who thought to subsist by the violation of them, did often fall into a state of weaknesse, povertie, and infortunitie. 8. The differences and discontents betwixt his majestie and the people at home, have in all liklyhood diverted his royall thoughts and councells from those great opportunities which he might have, not only to weaken the house of Austria, and to restore the palatinate, but to gaine himself a higher pitch of power and greatnesse than any of his ancestors. For, it is not unknowne how weake, how distracted, how discontented the Spanish colonies are in the West Indies. *There are now in those parts, in New England, Virginia, and the Carib Islands, and in the Barmudos, at least sixty thousand able persons of this nation, many of them well armed, and their bodies seasoned to that climate, which, with a very small charge, might be set down in some advantageous parts of these pleasant, rich, and fruitfull countries, and easily make his majestie master of all that treasure, which not only foments the warre, but is the great support of popery in all parts of Christendome.* 9. And lastly, those courses are like to produce such distempers in the state as may not be settled without great charge and losse; by which means more may be consumed in a few months than shall be gotten by such wayes in many yeeres.

"Having thus past through the two first generall

branches, he was now come to the third, wherein he was to set downe the wayes of healing and removing those grievances, which consisted of two maine branches: first, in declaring the law where it was doubtfull; the second, in better provision for the execution of law, where it is cleere. But (hee said) because he had already spent much time, *and began to finde some confusion in his memory*, he would refer the particularrs to another opportunity, and for the present only move that which was generall to all, and which would give waight and advantage to all the particular wayes of redresse.

"That is, that wee should speedily desire a conference with the lords, and acquaint them with *the miserable condition wherein wee finde the church and state;* and as we have already resolved to joyn in a religious seeking of God, in a day of fast and humiliation, so to intreat them to concur with us in a parliamentary course of petitioning the king, as there should be occasion; and in searching out the causes and remedies of these many insupportable grievances under which we lye. That so by the united wisedome and authoritie of both houses, such courses may be taken as (through God's blessing) may advance the honor and greatnesse of his majestie, and restore and establish the peace and prosperitie of the kingdome.

"This (hee said) we might undertake with comfort and hope of successe: for *though there be a darknesse upon the land, a thick and palpable darkness, like that of Egypt; yet, as in that the sunne had not lost his light, nor the Egyptians their sight* (the interruption was only in the medium), *so with us there is still (God be thanked) light in the sun — wisdome and justice in his majestie — to dispell this darknesse; and in us there remains a visual faculty, whereby we are enabled to apprehend, and moved to desire,* LIGHT. And when we shall be blessed in the enjoying of it, we shall thereby be incited to return his majestie such thanks as may make it shine more cleerely in the world, to his owne

glory, and in the hearts of his people, to their joy and contentment." [1]

[1] I found this speech, as I have already stated, in the very valuable collection of king's pamphlets now deposited in the British Museum. The effect it produced, and the numerous abridgments of it taken at the time by different members, for the purpose of circulation through the country, as described by May, have led to a curious confusion respecting it. The varying versions of the same speech have been treated as separate speeches by all the historians, collectors, and memorialists, except Lord Clarendon. I cannot account for the error in Rushworth's case (compare vol. iii. p. 1131. of his collections, with vol. iv. p. 21), save by the supposition of the second report having been inserted by the publisher after the collector's death. The loose way in which it appears, thrown in as it were "in a lump" with the other speeches that follow it, certainly favours this supposition; which is strengthened by the circumstance of this very collection of speeches, including the abridgment of Pym's speech in the April parliament, having been published in 1641, as delivered in the long parliament, whereas many of them, with Pym's, belong to the previous meeting. Compare Rudyard's, Grimston's, &c. This would probably not be thought worth remarking on, were it not that it establishes Clarendon's accuracy on a point that has been disputed, and is important in reference to Pym himself. It is now clear to me, as Clarendon states, that the first speech delivered by this great statesman in the long parliament, was the speech in which he denounced Lord Strafford. It marks, emphatically, the difference that was obvious in his "temper." I will subjoin, as a curiosity, the naked outline which Whitelock gives of "Pym on grievances," and upon which it is to be observed, that, though it is given in the mention of the opening proceedings in the long parliament, Whitelock's words by no means imply a contradiction of the fact that it was delivered the parliament before. He says, "many smart speeches were made in the house of commons touching grievances, which Mr. Pym divided into three heads." The following abstract is then given in an isolated form, — no mention of its delivery, or the delivery of any thing like it, having been made by the memorialist in his report of the April parliament.

"I. *Against privilege of parliament.* II. *Prejudice of religion.* III. *Liberty of the subject.*" Under the first head were reckoned: — "1. *Restraining the members of parliament from speaking.* 2. *Forbidding the speaker to put a question.* 3. *Imprisoning divers members for matters done in parliament.* 4. *By proceedings against them therefore in inferior courts.* 5. *Enjoining them good behaviour and continuance in prison even unto death.* 6. *Abrupt dissolutions of parliaments.*" Under the second head, of religion, were mentioned: — 1. *The suspension of laws against them of the popish religion; laws and oaths will not restrain them; the pope dispenseth with all.* 2. *Their places of trust and honour in the commonwealth.* 3. *Their free resort to* London *and to the courts to communicate their councils and designs.* 4. *As they have a college in* Rome *for the pope's authority in* England, *so they have a nuncio here to execute it.*" Under the innovations of religion were brought in: — "1. *Maintenance of popish tenets, in books, sermons, and disputes.* 2. *Practice of popish ceremonies countenanced and enjoined, as altars, images, crucifixes, and bowings.* 3. *Discouragement of protestants by rigid prosecution of the scrupulous, for things indifferent; no vice made of so great as inconformity.* 4. *Encroachment of ecclesiastical jurisdiction:* (1.) *In fining and imprisoning without law:* (2.) *Challenging their jurisdiction to be appropriate to their order,* jure divino: (3.) *Contriving and publishing new orders of visitation in force, as of canons, the boldness of bishops, and all their subordinate officers and officials.*" Under the third head, the grievances: — "1. *By tonnage and poundage unduly taken.* 2. *Composition for knighthood.* 3. *The unparalleled grievance of ship-money.* 4. *Enlargement of the forests beyond the due bounds.* 5. *Selling of nuisances by compounding for them.* 6. *The commission for building.* 7. *The commission for depopulations.* 8. *Unlawful military charges, by warrant of the king, letters of the council, and orders of the*

When Pym resumed his seat, the king's solicitor, Herbert, attempted, "with all imaginable address," to call off the attention of the members from the impression his extraordinary speech had made, — but vainly. The deadly force of Pym's statements and reasoning, equalled only by the singular moderation of his tone, had diffused through the house a deep and settled calm of determination. A committee was immediately appointed to inquire into the violation of privilege by the speaker of the last house of commons, in refusing to put a question on the ground of prohibition from the king; the proceedings in the star-chamber and king's bench respecting the imprisoned members, and the deceased Eliot, were ordered to be called for by the speaker's warrant; together with whatever proceedings had taken place in the exchequer-chamber, and any other courts, respecting ship-money. Subsequently it was resolved that grievances should be considered before supply, and that conference on grievances should be desired by the lords. Pym and St. John were appointed managers of this conference — "Mr. Pym for the first, and to make an introduction to the whole business." [1]

Meanwhile the house of lords, at the earnest and humiliating entreaty of the king, had passed two resolutions, to the effect, that supply ought to have precedence of grievances, and that the commons should be invited to a conference, in order to their being disposed thereto.[2]

These resolutions had just passed, when Pym laid them before the house of commons as a gross breach of privilege. An address to the lords was, in consequence, agreed to and approved, "and that Mr. Pym should go

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lieutenants of the counties and their deputies 9. *Extrajudicial declarations of judges, without hearing council or arguments.* 10. *Monopolies countenanced by the council table, and justices of the peace required to assist them* 11. *The star-chamber court.* 12 *The king's edicts and proclamations lately used for maintaining monopolies.* 13 *The ambitious and corrupt clergy preaching* divine authority *and* absolute power in kings to *do what they will* 14 The intermission of *parliaments*" Memorials, p. 36.

[1] Parl Hist vol viii. p. 456.

[2] Lords' Journals, April, 1640.

up to that house with it." Pym instantly proceeded to the lords, and the words he uttered are, indeed, memorable:—"Your lordships have meddled with, and advised concerning, both matter of supply and the time when the same should be made, and this before such time as the same was moved to your lordships by the commons. As a course for the repair of this breach of privilege, the commons beg to suggest, that your lordships would, in your wisdoms, find out, yourselves, some sort of reparation, and of prevention of the like infringement for the future. And the commons humbly desire, through me, to represent to your lordships, that, in case your lordships have taken notice of any orders or proceedings of the commons, concerning religion, property, and privileges, and that they were to proceed to the supply, which they have some cause to conceive by these words; 'That this being done, your lordships would freely join with the commons in those three things;'—for the avoiding all misunderstandings between your lordships and the commons, for time to come, they desire your lordships hereafter *to take no notice of any thing which shall be debated by the commons, until they shall themselves declare the same unto your lordships;* which the commons shall always observe towards your lordships' proceedings, conceiving the contrary not to consist with the privileges of the house."[1]

Some few short years before, such an assertion of power and privilege as this would have seemed monstrous; for it implies, it will be observed that even upon the king's information and authority, their lordships were not ever to touch upon the proceedings of the commons. But the reader who has observed the course pursued by Pym and his associates, in James's parliaments of 1614 and 1620, as detailed in these pages, and reflects how deeply the principles then insisted on must have sunk, during the succeeding twenty years, into the minds of the people, and what a consequent vigour and diffusion had been given to the demo-

[1] Old Parl. Hist. vol. viii. p. 455.

cratic principle — his surprise at Pym's tone will cease. How much more flagrantly absurd is the appearance which Charles's pretensions assume!

On Pym's return to the house, he was thanked "for the good service he did them[1];" and the original conference appointed with the lords was directed to proceed. Pym and St. John, on the part of the commons, persisted in claiming precedence for redress of grievances; but the dispute was interrupted, in this stage, by a message from Charles, demanding an immediate answer whether he was to have supply or not; and followed by a proposition from the elder Vane, now secretary of state, as well as treasurer of the household, that the king would give up his *right* to ship-money, in consideration of a grant of twelve subsidies, payable in three years. Strenuous debates arose on this proposition. Pym and Hampden, backed by the more fearless patriots, objected, not only that the sum was too great, but that such a transaction would recognize the legality of ship-money. The court party, seconded by Hyde and the trimmers, urged the advantage of closing with the offer. The debates lasted two days. On the second day, after the house had sat from eight in the morning till five in the afternoon, debating two antagonist resolutions, from Hampden and Hyde, the latter proposing to grant a supply "without naming the amount,"—Vane told the house distinctly that the king would accept nothing short of his original demand in amount and manner; and an instant adjournment was the consequence. At an early hour on the following morning, the parliament was dissolved.

Clarendon has ascribed this dissolution to the perfidy of Vane, and asserts that Charles himself repented of the act the instant after it was performed. But the king's solicitor, Herbert, is not accused of perfidy, and Clarendon admits that he seconded Vane's statement, while all the other privy counsellors present sanctioned it in silence. The truth is, that the noble historian

[1] Old Parl. Hist. vol. VIII. p. 455.

wishes to make it appear that the house would have favoured his proposal in the end; whereas Vane interpreted the temper and disposition of the members far more truly.[1] Neither Laud nor his biographer have accused Vane; secretary Windebanke declared at the time, that though the dissolution was "a very great disaster," there was "no other way[2];" and finally, the king himself has thoroughly repudiated the "case" his noble advocate strives to make out, by one of his own accustomed and deliberate acts of imbecile rage and madness. Some days after the dissolution, he consigned Mr. Crew, the chairman of the committee for religion, to the Tower; because that high-spirited gentleman refused to sur-

[1] I subjoin a passage from a historian who equally admires both Clarendon and the king, and which seems to me to set the question at rest. Carte in his General History, vol iv. p. 281, 282, says: — "From the part Vane acted soon after, he was supposed to have given those assurances with as much malice as falsehood, in order to throw all into confusion, either out of disaffection to his majesty, or a mortal hatred to the earl of Strafford, who had opposed his promotion, *and whose ruin was then projecting.* There was no guessing at the motives of Herbert's conduct. and though his views were different from Vane's, *they both joined in representing the general humour and disaffection of the house to be so violent, that if the members came together again, they would pass such a vote against ship-money, as would blast that revenue and other branches of the receipt.* The noble historian from whom this relation is taken, and who bore so considerable a part in the debate, seems to have thought this representation exaggerated · *but it may well be questioned, whether his candour and favourable opinion of some persons, with whom he unwarily concurred in many of their measures, and whose dark designs he had not yet discovered, did not bias his judgment:* and there was certainly a great failure at least of his memory in the accounts he gives of the debates, as if they had taken up two days, whereas what he says of them passed only on the second day (Monday), when the proposal of twelve subsidies was made, and embarrassed the question On Saturday, the debate could only turn on the single point, whether a supply should or should not be granted *If this question was not then put, it must be imputed to the strength of the party which was for postponing the supply till after the redress of grievances,* and had the day before, by a majority of 257 to 148, rejected the lords' desire of a present conference, because they would not be diverted from prosecuting the business of ship-money. Whoever likewise considers the whole tenour of proceedings in this parliament, and compares them with those of the disaffected faction in the former parliaments of this reign, after which it copied, and observes that a day for the judicial hearing of the cause of ship-money, in order to repeal the sentence of the judges, had been appointed without any appearance of an opposition, and was actually come, will be apt to think it not ill founded. * * *His majesty could scarce entertain better hopes, or expect different measures, from an assembly whose proceedings were chiefly directed by Pym and Hampden;* two whole days spent in debates, without coming to a conclusion, or putting a question, showed sufficiently an indisposition to grant a supply: all appearances countenanced the suggestion of these terrible votes about ship-money, and other branches of the revenue, which would have been the utter ruin of his majesty's affairs"

[2] See the Clarendon State Papers, vol. ii. p. 86.

render certain petitions that had been entrusted to him, when their disclosure would have abandoned many clerical petitioners to the vengeance of their metropolitan. Two other members, sir John Hotham and Mr. Bellasis, were also committed for refusing to disclose to the council what had passed in parliament. And these proceedings were appropriately wound up by the issue of a declaration of reasons for the dissolution, in which, among other notable matters, Pym, Hampden, St. John, and the rest, are thus described: "The ill-affected members of the house of commons, instead of an humble and dutiful way of presenting their grievances to his majesty, have taken upon them to be the guiders and directors in all matters that concern his majesty's government, both temporal and ecclesiastical; and (*as if kings were bound to give an account of their regal actions, and of their manner of government, to their subjects assembled in parliament*) they have, in a very audacious and insolent way, entered into examination and censuring of the present government, traduced his majesty's administration of justice, and rendered, as much as in them lay, odious to the rest of his majesty's subjects, not only the officers and ministers of state, but even his majesty's very government."

On the occasion of this dissolution there was no violence, no protest, no show of resistance in the smallest degree, on the part of the commons. Every thing was deep, settled, calm: if there was a ruffle on the surface, it was one of joy. Hitherto the faces of sagacious men had darkened at a parliament's dissolution, but they were serene and smiling now. "It was observed," says Clarendon, "that in the countenances of those who had most opposed all that was desired by his majesty, there was a marvellous serenity; nor could they conceal the joy of their hearts, for they knew enough of what was to come to conclude that the king would be shortly compelled to call another parliament. Within an hour after the dissolving, Mr. Hyde met Mr. Saint John, who had naturally a great

cloud in his face, and very seldom was known to smile, but then had a most cheerful aspect; and seeing the other melancholic, as in truth he was from his heart, asked him, what troubled him? who answered, that the same that troubled him, he believed, troubled most good men: that in such a time of confusion, so wise a parliament, which alone could have found remedy for it, was so unseasonably dismissed: the other answered, with a little warmth, 'that *all was well; and that it must be worse, before it could be better;* and that this parliament could never have done what was necessary to be done.'"

The reflection of the joy which thus lighted up the countenance of St. John, exhibited itself in the short-sighted multitude in the forms of turbulence and insurrection; and Clarendon takes the oppoitunity of observing that a general impression prevailed, that such a set of sober and dispassionate men, or fewer who brought ill purposes with them, as had gone to the formation of the house just dissolved, would never meet in parliament again. This is simply one of Clarendon's thousand attempts to mislead the judgment. A comparison of the lists of the parliaments of April and November [1], will at once convince the reader that the so terrible change for the court, was in the times, and not the men.

From the instant of the dissolution, Pym's exertions were truly extraordinary. The party, and the purposes of the party, were now to be organised for the last time. "Mr. Pym," says Clarendon, "continued after the unhappy dissolution for the most part about London, in conversation and great repute amongst those lords who were most strangers to the court, and were believed most averse to it; in whom he improved all imaginable jealousies and discontents towards the state." There is no doubt that a close correspondence with the Scotch commissioners, was now entered into, under the management of himself and Hampden; and two places

[1] In Nalson, the Old Parliamentary History, or Rushworth.

Broughton Castle, in Oxfordshire, the seat of lord Say[1], and Fawsley, in Northamptonshire, the house of Sir Richard Knightley (whose son had married Hampden's daughter) — were, from their position with reference to the North Road, and their easy distance from London, fixed upon for the purposes of frequent consultation.[2] Pym, Hampden, and St. John, with lords Say and Brook, and, somewhat later in the year, the earls of Bedford, Warwick, and Essex, lord Holland, Nathaniel Fiennes, and young Vane, here held their meetings; and a private press, which sir Richard Knightley's father had established at Fawsley, was brought into constant requisition. Whenever, on the other hand, necessity obliged the meetings to be held in London, they took place at Pym's house in Gray's Inn Lane, from whence various reports were instantly communicated to the chief places in the country.[3]

Meanwhile the disastrous war with Scotland was dragging the king daily, as Pym had foretold, to the feet of his subjects. Not a day now passed over the heads of the court party, without accumulating upon them some fresh evidences of weakness or dishonour. The melancholy part which Strafford was forced to play, has been already told. In the midst of their worst distresses, when Charles had been driven back to York after the disgraceful affair of Newbourne, and

[1] "It was much observed," says Echard, "that in the Lord Say's house there was a particular room and a passage to it, which his servants were not permitted to come near; and when the company was complete, great noise and talkings were usually heard amongst them, to the admiration of those who lived in the house, who could not see or discover the persons themselves."

[2] Some have been found to charge dangerous consultations, yéars before this date, upon the same places In a pamphlet (part 13 of No. 113. of King's Pamphlets), entitled, "The English Pope," published on 1st of July, 1643 (from MS note), I find the following (p. 39): "It is reported, that the lord Digby of late, being at Mr. Knightley's house in Northamptonshire, in a parlour there, whilst his souldiers were busily searching, and plundering, and rifling other roomes, hee smote his hand upon the table, and swore, 'that that was the table whereat all these civil wars had been plotted at least a dozen yeares before.' It should seem *Mr. Pym* had sojourned some time in that house, and that was sufficient for an inference that the nest of anabaptists had been there too, and that that nest had studied something, which neither our king's cabinet counsellors, nor the juntos of Italy or Spaine could make defeasible."

[3] Windebanke's letter in the second volume of Clarendon's State Papers.

when, as Laud expresses it, the king's counsellors were "at the wall[1]," secretary Windebanke wrote to inform them of the frequent assemblage in London and elsewhere of certain persons of quality, mentioning Pym, Hampden, lords Say, Russel, and Brook, who, he said, had prevailed with some lords to join them, "that had been observed not to be very well contented at the time; namely, the earles of Essex, Warwick, and Bedford." These meetings, Windebanke added, were much apprehended to be "for some dangerous practice or intelligence with the rebels of Scotland." In Charles's worst moments of terror and alarm, he could not divest himself of his habits of deceit and perfidy. He now thought to avert the danger closing round him, by imposing on his people something of the show of a parliament, which should induce them to give what every arbitrary expedient had again failed in procuring, and disarm the popular leaders of their resources. Accordingly, upon a precedent of Edward III.'s time, he summoned to York a "council of peers." While his people, under the guidance of Pym and Hampden, were advancing with giant strides into the just and responsible governments of the future, this imbecile man proposed to satisfy them by crawling back into precedents of the barbarous times of England!

As soon as this measure was made public, Pym saw that his work was accomplished. He prepared a petition for a parliament; placed, with their consent, the names of Bedford, Hertford, Essex, and Warwick, at its head; and, with Hampden and St. John, repaired to York.[2] Eight more signatures were here obtained from the peers then assembled, and the petition was presented to the king. Bedford and Hertford, being called

[1] Hardwicke, State Papers, vol. ii. p. 168.

[2] "At the same time," says Clarendon, "some lords from London (of known and since published affections to that invasion), attended his majesty at York with a petition, signed by others, eight or ten in the whole, who were craftily persuaded *by the leigers there*, Mr. Pym, Mr Hampden, and Mr. Saint John, to concur in it, being full of duty and modesty enough, without considering, that nothing else at that time could have done mischief; and so suffered themselves to be made instruments towards those ends, which in truth they abhorred." Clarendon, vol. i. p. 259.

to a conference with the committee of state on the subject, declared boldly, that they acted, not for themselves alone, but in trust for "many other noblemen, and most of the gentry in several parts of the kingdom." A second petition was forwarded to the committee immediately after, from the hands of Pym; also praying for a parliament, and subscribed by 10,000 citizens of London.[1] Other petitions from different quarters, but with the same prayer, reached York at the same moment; and the king, hunted through all his father's shifts and expedients of "kingcraft," issued writs for a new parliament on the 3d of November.

And now again, without the pause of an instant, Pym and Hampden were seen in the discharge of their great duty, as chiefs and advisers of the people. It is stated in several books of the time, and repeated by many of the historians[2], that between the interval of the issue of the writs and the elections, they rode through every county in England, urging the electors to their duty. Warwick, Brook, and Bedford, lord Kimbolton (the earl of Manchester's son), Fiennes (lord Say's second son), and the younger Vane, exerted themselves, meanwhile, in their respective districts; and Warwick soon wrote to his Essex friends from York, so recently the head-quarters of the king, that "the game was well begun." The party of the king were not less active, but they were less successful.

In the opinion of the great mass of the people Pym was the author of this parliament[3]—by the common consent of all he was to be placed in the position of its leader.

[1] The lord mayor had been implored to suppress this petition, but refused

[2] Echard; Carte; Warwick; Anthony Wood.

[3] I find this in a curious pamphlet of the time, which I was not able to discover in the king's collection, but which I purchased from Mr. Rodd of Newport Street, to whose intelligence and liberality so many historical collectors have to confess their obligations The pamphlet is a petition sent up to the king by large numbers of the common people, at the time of his attempted impeachment for high treason; and among answers to the king's charges against Pym, contains the following:—"In the fifth article, he is impeached—'that he hath traiterously indeavoured to subvert the rights and very being of parliaments' To this we may answer with great facilitie, *he was the chief cause that this parliament was assembled*, and it seems very incongruous that he should subvert the same."

Preparing himself for that great office, he well knew that the highest duty of his life, and the most fatal, there awaited him. He was to keep his old appointment with Wentworth, now the earl of Strafford. Any allusion to this illustrious man has been hitherto avoided as much as possible, since a large portion of the second volume of this work was devoted to an analysis of his character and actions; and little allusion will even now be necessary, for those who have had that analysis before them. Pym judged Wentworth's course as a minister too truly, when, on the occasion of their separation twelve years before, he had threatened him with a visionary doom. The twelve years had realised one of the greatest genuises for despotic government that the world has known; but they had also strengthened, with an almost superhuman power of popular resistance, the mind of Pym. Wentworth himself had received occasional very ominous proofs of this, and some correspondence passed concerning it between himself and the king; but Pym's silence respecting the minister in his famous speech of the preceding April, instead of seeming most ominous of all, had driven back for a time the fear of danger. The conduct of the great opposition leader, however, after the dissolution, recalled Strafford's worst apprehensions; and on the disastrous failure of his Scotch expedition, he prayed the king to be allowed to return to his Irish government. But the genius of Strafford was the king's last and only hope; and, pledging a "royal word" that not "a hair of his head" should be touched by the parliament, the king ordered his minister's presence in London. Charles himself knew not so well as Pym how much Strafford's genius was indeed his last resource. And how much less did he know that while he pledged his word for Strafford's safety, a few weightier words, lingering yet in the mind of Pym, would bring to the *people's* service the Tower and the Block, and break, in one short instant, that spell of arbitrary power with which he and his father, and the

worst ministers of both, had been for upwards of thirty years struggling to subdue the rising liberties! In the death of Strafford, Pym saw that the prestige of royalty, which had hitherto in Charles's worst extremities availed so much, would be utterly overthrown.

On the 3d of November the long parliament met.—There are few well-informed students of English history who, with a fearless and frank admission of the errors of this illustrious assembly, do not pause with emotion at the mention of its name; mindful that there is scarcely a privilege of good and safe government now enjoyed by the common people of England that does not justly date from its commencement. The day that witnessed that commencement was a bright day for every one in England, save the ministers and apologists for tyranny. "It had a sad and melancholic aspect," says lord Clarendon, "upon the first entrance, which presaged some unusual and unnatural events. The king himself did not ride with his accustomed equipage nor in his usual majesty to Westminster, but went privately in his barge to the parliament stairs, and after to the church, as if it had been to a return of a prorogued or adjourned parliament. And there was likewise an untoward, and in truth an unheard-of accident, which broke many of the king's measures, and infinitely disordered his service beyond a capacity of reparation. From the time the calling a parliament was resolved upon, the king designed sir Thomas Gardiner, who was recorder of London, to be speaker in the house of commons, a man of gravity and quickness, that had somewhat of authority and gracefulness in his person and presence, and in all respects equal to the service. There was little doubt but that he would be chosen to serve in one of the four places for the city of London, which had very rarely rejected their recorder upon that occasion; and lest that should fail, diligence was used in one or two other places that he might be elected. But the opposition was so great and the faction so strong to hinder his being elected in the city, that four

others were chosen for that service, without hardly mentioning his name; nor was there less industry used to prevent his being chosen in other places." This incident was indeed an omen of ill promise for the court. It was in that day the invariable usage to select a speaker on the king's private recommendation; yet on this occasion, without the smallest appearance of discourtesy, the slavish usage, by means of the admirable organisation of the popular party, was warded off. The king, taken by surprise, and obliged to name another member hastily, recommended Lenthall, then only known as a practising barrister.

The members assembled in great crowds to hear the king's speech. All the chief leaders of the commons were there; Pym (who had again been returned, with lord William Russel, for Tavistock),. Hampden (who sat for Buckinghamshire), St. John, Denzil Holles, Nathaniel Fiennes, the younger Vane; and, still acting with the people, lord Digby (the fantastically chivalrous son of the earl of Bristol), lord Falkland, and Edward Hyde. The chief popular peers were present also; Francis Russel, earl of Bedford (between whom and Pym there had been the friendship and mutual counsel of a life); William Fiennes and Robert Greville; lords Say and Brooke; Robert Devereux, earl of Essex; the brothers Henry and Robert Rich, earls of Holland and Warwick; and Edward Montagu, lord Kimbolton, son of the earl of Manchester. Upon the faces of almost all these men, Clarendon says, there was a "marvellous elated" expression, and he proceeds to remark of the members of the commons, that "the same men who six months before were observed to be of very moderate tempers, and to wish that gentle remedies might be applied, without opening the wound too wide, and exposing it to the air, and rather to cure what was amiss than too strictly to make inquisition into the causes and original of the malady, talked now in another dialect both of things and persons." The truth was, that as Mr. Hyde, was returning from the house of

lords through Westminster, he fell into conversation with Pym, and that bold statesman, sounding Hyde with some distrust of his honesty, cared no longer to conceal his own prospects or his temper. The anecdote is worth giving in the words of one of the parties.

"Mr. Hyde, who was returned to serve for a borough in Cornwall, met Mr. Pym in Westminster Hall, and conferring together upon the state of affairs, the other told Mr. Hyde, 'that *they must now be of another temper than they were the last parliament*; that they must not only sweep the house clean below, *but must pull down all the cobwebs which hung in the top and corners, that they might not breed dust, and so make a foul house hereafter*; that they had now an opportunity to make their country happy, by removing all grievances, *and pulling up the causes of them by the roots*, IF ALL MEN WOULD DO THEIR DUTIES;' and used much other sharp discourse to the same purpose: by which it was discerned, that the warmest and boldest counsels and overtures would find a much better reception than those of a more temperate allay; which fell out accordingly."

The first week was devoted to the appointment of committees, and the reception of petitions. "Troops of horsemen," says Whitelock, "came from several counties with petitions for redress of grievances and exorbitancies in church and state."[1] One or two sharp debates arose on the presentation of these petitions, but Pym took no share in them. On the 10th of November, lord Strafford arrived in London.

On the 11th of November, Pym suddenly[2] rose in his place in the house of commons, stated that he had matter of the highest importance to lay before the house, and desired that the strangers' room should be cleared, the outer door of the house locked, and the keys laid upon the clerk's table. What followed this ominous announcement must be given chiefly in the words of one of the members present, since the destruction of this

1 Whitelock's Memorials.
2 This is Rushworth's expression.

portion of the journals has left us without any other record of the momentous scene that passed.

"Mr. Pym," says Clarendon, "in a long formed discourse, lamented the miserable state and condition of the kingdom, aggravated all the particulars which had been done amiss in the government, as 'done and contrived maliciously, and upon deliberation, to change the whole frame, and to deprive the nation of all the liberty and property which was their birthright by the laws of the land; which were now no more considered, but subjected to the arbitrary power of the privy council, which governed the kingdom according to their will and pleasure; these calamities falling upon us in the reign of a pious and virtuous king, who loved his people, and was a great lover of justice.' And thereupon enlarging in some specious commendation of the nature and goodness of the king, that he might wound him with less suspicion, he said, 'We must inquire *from what fountain these waters of bitterness flowed*: what persons they were who had so far insinuated themselves into his royal affections, as to be able to pervert his excellent judgment, to abuse his name, and wickedly apply his authority to countenance and support their own corrupt designs. Though he doubted there would be many found of this class, who had contributed their joint endeavours to bring this misery upon the nation; yet he believed *there was one more signal in that administration than the rest, being a man of great parts and contrivance, and of great industry to bring what he designed to pass; a man, who in the memory of many present had sate in that house an earnest vindicator of the laws, and a most zealous assertor and champion for the liberties of the people; but long since turned apostate from those good affections, and, according to the custom and nature of apostates, was become the greatest enemy to the liberties of his country, and the greatest promoter of tyranny, that any age had produced.*' And then he named 'the Earl of Strafford, lord lieutenant of Ireland, and lord president of the council established in York, for the northern parts

of the kingdom; who,' he said, 'had in both places, and in all other provinces wherein his service had been used by the king, raised ample monuments of his tyrannical nature; and that he believed, if they took a short survey of his actions and behaviour, they would find him the principal author and promoter of all those counsels which had exposed the kingdom to so much ruin:' and to this end instanced some high and imperious actions done by him in England and in Ireland, some proud and over confident expressions in discourse, and some passionate advices he had given in the most secret councils and debates of the affairs of state; *adding some lighter passages of his vanity and amours; that they who were not inflamed with anger and detestation against him for the former, might have less esteem and reverence for his prudence and discretion:* and so concluded, 'that they would well consider how to provide a remedy proportionable to the disease, and to prevent the farther mischiefs they were to expect from the continuance of this great man's power and credit with the king, and his influence upon his counsels.'"

In this brief sketch, we may trace the outlines of Pym's speech on this great occasion, and it is a fresh proof of his extraordinary powers. But the resources of a profound understanding are as inexhaustible as the human heart itself. Variously adapting to his various hearers the eloquent austerity of his invective, behold Strafford at one moment elevated to the alarm of every wise patriot, and in the next shrunk below the contempt of the meanest person present! Passion, prejudice, patriotism, every emotion that can actuate the virtuous or the base, were called into existence by the orator. It may be to Pym's advantage or disadvantage to state this, but it was so. When he had ceased, there was but one flame raging through that great assembly, and the power of Strafford was blasted for ever.

Meanwhile, as several members from every side of the

house were swelling the general outcry against the accused, a message arrived from the lords, desiring instant conference on a treaty with the Scots. Pym, at once suspecting that the extraordinary precautions which had just been taken respecting the exclusion of strangers, had given surprise and perhaps alarm in certain quarters, and that these messengers had a very different object from their professed one, dispatched them quickly with an answer to decline the meeting, on the ground of very weighty and important business; and at the same moment gave "such advertisement to *some of the lords*, that that house might likewise be kept from rising, which would otherwise very much have broken their measures." [1]

"In conclusion," proceeds Clarendon, "after many hours of bitter inveighing, and ripping up the course of the earl of Strafford's life before his coming to court, and his actions after, it was moved, according to the secret resolution taken before, 'that he might be forthwith impeached of high treason;' which was no sooner mentioned, than it found an universal approbation and consent from the whole house; *nor was there, in all the debate, one person*, [not even Mr. Hyde !] who offered to stop the torrent by any favourable testimony concerning the earl's carriage, save only that the lord Falkland (who was very well known to be far from having any kindness for him), when the proposition was made for the present accusing him of high treason, modestly desired the house to consider 'whether it would not suit better with the gravity of their proceedings, first to digest many of those particulars, which had been mentioned, by a committee, before they sent up to accuse him? declaring himself to be abundantly satisfied that there was enough to charge him:' which was very ingenuously and frankly answered by Mr. Pym, 'that such a delay might probably blast all their hopes, and put it out of their power to proceed farther than they had

[1] Clarendon, vol. i. p. 302. Rushworth, vol iv. p. 43.

done already; that the earl's power and credit with the king, and with all those who had most credit with the king or queen, was so great, that when he should come to know that so much of his wickedness was discovered, his own conscience would tell him what he was to expect, and therefore he would undoubtedly procure the parliament to be dissolved, rather than undergo the justice of it, or take some other desperate course to preserve himself, though with the hazard of the kingdom's ruin. whereas, if they presently sent up to impeach him of high treason before the house of peers, in the name and on the behalf of all the commons of England, who where represented by them, the lords would be obliged in justice to commit him into safe custody, and so sequester him from resorting to counsel, or having access to his majesty. and then they should proceed against him in the usual form with all necessary expedition' These reasons of the haste they made, continues Clarendon, "so clearly delivered, gave that universal satisfaction, that, without farther considering the injustice and unreasonableness of it, they voted unanimously (for aught appeared to the contrary by any avowed contradiction), that they would forthwith send up to the lords, and accuse the earl of Strafford of high treason, and several other crimes and misdemeanors, and desire that he might be presently sequestered from the council, and committed to safe custody, and Mr Pym was made choice of for the messenger to perform that office.'

After an interval of four hours, passed by many persons outside with intense and various anxiety, the doors of the house of commons opened at last to give way to Pym, who, issuing forth at the head of upwards of 300 representatives of the English people, proceeded to the house of lords, where "Mr Pym, at the bar, and in the name of the lower house, and of all the commons of England, impeached Thomas, earl of Strafford, with the addition of all his other titles, of high treason." [1]

[1] Clarendon's Hist vol i p 305

The earl was already in the house, according to Clarendon,* when Pym appeared at the bar; and was even prepared with evidence of a correspondence, between Pym and other popular leaders, and the Scotch, supplied by the perfidy and forgery of lord Savile, on which he designed at that very instant to accuse them of treason. According to the lively and graphic narrative of Baillie, however, Strafford had not yet entered the house with this view; but, after Pym's sudden appearance, the earl was thus described. "The lords began to consult on that strange and unexpected motion. The word goes in haste to the lord lieutenant, where he was with the king, with speed he comes to the house, *he calls rudely at the door*, James Maxwell, keeper of the black rod, opens, his lordship, *with a proud glooming countenance*, makes toward his place at the board-head But at once many bid him void the house, so he is forced, in confusion, to go to the door till he was called After consultation being called in, he stands, but is commanded to kneel, and on his knees to hear the sentence Being on his knees, he is delivered to the keeper of the black rod, to be prisoner till he was cleared of those crimes the house of commons had charged him with. He offered to speak, but was commanded to be gone without a word In the outer room, James Maxwell required him, as prisoner, to deliver his sword When he had got it, he cries with a loud voice for his man, to carry my lord lieutenant's sword. This done, he makes through a number of people, towards his coach, *all gazing, no man capping to him before whom that morning the greatest of England would have stood discovered* Coming to the place where he expected his coach, it was not there, so he behoved to return that

* It was about three of the clock in the afternoon, when the earl of Strafford (being infirm and not well disposed in his health, and so not having stirred out of his house that morning) hearing that both houses still sat, thought fit to go thither It was believed by some, upon what ground was never clear enough, that he made that haste then to accuse the lord Say and some others, of having induced the Scots to invade the kingdom but he was scarce entered into the house of peers, when the message from the house of commons was called in" History, vol i p 350.

same way, through a world of gazing people. When at last he had found his coach, and was entering, James Maxwell told him, 'Your lordship is my prisoner, and must go in my coach,' and so he behoved to do. For some days too many went to visit him: but since, the parliament hath commanded his keeping to be straiter."[1]

The result proved this to have been what Pym anticipated, the masterstroke of the time. In whatever view, or with whatever sense, it is regarded, whether of regret or admiration, it cannot be denied to have been, in its practical results, the greatest achievement of this great age of statesmanship. It struck instant terror into every quarter of the court, and left the king, for a time, powerless and alone.

Every resolution of the house of commons, from the hour of Strafford's impeachment, took the shape of action. Every discussion ended in something done. Monopolists and patentees were at once declared incapable of serving in the house; the tax of ship-money, and the proceedings in Hampden's case, were declared subversive of property, of the laws, of the resolutions of former parliaments, and the petition of rights; the new church canons issued by Laud, were condemned; and, on the 11th December, the London petition against the prelates and prelacy, signed by 15,000 citizens, and praying that that episcopal government, with all its dependencies, "roots and branches," might be abolished, was received in ominous silence by the house.

"William, lord archbishop of Canterbury," was then, on the motion of Pym, accused of high treason; and Denzil Holles carried up the accusation to the house of lords.[2] The Scotch commissioners denounced him at the same time as an "incendiary in the national differences;" and, after ten weeks' confinement in the house of the usher of the black rod, the tower received Laud also.

[1] Baillie's Letters, vol. i p 217.
[2] Whitelock says in his Memorials (p. 39.), that Pym carried it up; but this is an error. See Journals.

Informations were now lodged against Wren, bishop of Ely, for oppression and idolatry; and against Pierce, bishop of Bath and Wells, for corruption of religion; and those prelates were ordered to give large securities that they would abide the judgment of parliament. Impeachments of treason were next prepared against secretary Windebanke and lord keeper Finch. Windebanke escaped to France, and Finch fled to Holland.

"So that," says Clarendon, "within less than six weeks, for no more time was yet elapsed, these TERRIBLE REFORMERS had caused the two greatest counsellors of the kingdom, and whom they most feared, and so hated, to be removed from the king, and imprisoned, under an accusation of high treason; and frighted away the lord keeper of the great seal of England, and one of the principal secretaries of state, into foreign kingdoms, for fear of the like; besides the preparing all the lords of the council, and very many of the principal gentlemen throughout England, who had been high sheriffs, and deputy lieutenants, to expect such measure of punishment, from their general votes and resolutions, as their future demeanour should draw upon them for their past offences.[1]

These gentlemen had no cause, except in their own consciences, to tremble. The leaders of this great parliament sought a severe, but a just atonement. They struck down the chief abettors of tyranny in the kingdom, but pardoned its miserable agents. Their terrible inquisition passed over the various sheriffs who had lent their influence to the enforcement of ship-money, while it fixed itself on the servile judges who had prostituted the laws to its support. Bramstone, Davenport, Berkeley, Crawley, Trevor, and Weston, were obliged to give securities in enormous sums that they would abide the judgment of parliament[2]; while sir Robert Berkeley, as the principal supporter of the iniquitous

[1] Hist of the Rebellion, vol. i. p 311.
[2] The old clause, *quamdiu se bene gesserint* was also restored, in place of the *durante bene placito*. See Old Parl. Hist. vol. ix. p. 208.

tax, was impeached of treason, publicly arrested in the King's Bench court, "taken from off the bench where he sate, and carried away to prison, which struck a great terror in the rest of his brethren then sitting in Westminster Hall, and in all his profession."[1]

The speech which led to this latter startling step was delivered in the house of commons on the 2d of December, and there is every reason to believe by Pym. It appears in pamphlets of the time without the speaker's name; but in Cromwell's parliament of 1650, sir Robert Goodwin brought forward a precedent which, he said, "was urged by John Pym in the long parliament," and the only resemblance to which is in the speech alluded to.[2] Some passages, indeed, at the commencement would seem to discountenance this supposition of authorship, but the general tone and manner are, emphatically, those of the long parliament's most famous orator. In the sustained eloquence, the practical wisdom, the singular weight, gravity, and precision of language, and the careful protest it records against the hasty judgments of posterity, we feel the voice of Pym. Some passages are too remarkable to be omitted here. After a comparison of the body politic with the body natural — a favourite parallel with Pym — he thus proceeds: —

"This commonwealth is, Mr. Speaker, or should be, but one body; this house the great physician of all our maladies. But, alas! Sir, of what afflicted part shall we poor patients complain first? Or rather of what shall we not complain? Are we not heart-sick? Is there in us that which God requires — unity, purity, and singularity of heart? Nay, is not religion, the soul of this body, so miserably distracted, that (I speak it not without terror) 'tis to be feared there is more confusion of religion amongst us, than there was of tongues at the subversion of Babel?

[1] Whitelock's Memorials, p. 30.

[2] See Burton's Diary (so admirably edited by that intelligent, accomplished, and long devoted friend to the popular cause, Mr. John Towill Rutt), vol. iii. p. 120.

And is it not then high time that we understand one another, that we be reduced to one faith, one government? Sir, is the head whole — the seat of government and justice, the fountain from whose sweet influence all the inferior members of this body should receive both vigour and motion? Nay, hath not rather a general apoplexy, or palsy, taken or shaken all our members? Are not some dead; others buried quick; some dismembered; all disordered *by the diversion of the course of justice?* Is the liver, nature's exchequer, open, from whose free distribution each limb may receive his proper nutriment? or, rather, is it not wholly obstructed — our property taken from us? May it not justly be said of us,

Sic vos non vobis fertis Aratra?"

The hard destiny which, for so many years, had attended upon labour, is now described with a noble pathos; and those views respecting church government are stated, which are ascribed, with the greatest justice, to Pym.

"*Our ancestors drank the juice of their own vines, reaped and eat the fruit of their own harvest; but now the poor man's plough goes to furrow the seas, to build ships!* We labour, not for ourselves, but to feed the excrescions of nature — things grown up out of the ruins of the natural members — *monopolists!* Sir, these are *maxima vitalia* — religion, justice, property — the heart, the head, the liver of this great body; and these being so distempered or obstructed, can the subordinate parts be free? The truth is, all is so far out of frame, that to lay open every particular grievance were to drive us into despair of a cure: in so great confusion, where to begin first requires not much less care than what to apply. Mr. Speaker, I know 'tis a right motion to begin with setting God's house in order first. Whoever presses that moves with such advantage, that he is sure no man will gainsay him. 'Tis a well becoming zeal to prefer religion before our own affairs; and *indeed 'tis a duty not to be omitted, where they are in equal*

danger; but in cures of the body politic or natural, we must prefer the most pressing exigencies. Physicians know that consumptions, dropsies, and such like lingering diseases, are more mortal, more difficult to cure, than slight external wounds; yet if the least vein be cut, they must neglect their greater cures to stop that; which, if neglected, must needs exhaust the stock of nature, and produce a dissolution of the whole man. A defection from the duties of our religion is a consumption to any state: no foundation is firm that is not laid in Christ. *The denial of justice, the abridgment of our liberties, are such an obstruction as renders the commonwealth leprous; but the wounds in our property let out the life blood of the people.* The reformation of church government must necessarily be a work of much time; and, God be thanked, the disease is not desperate. *We serve one God, we believe in one Christ, and we all acknowledge and profess one gospel.* The stop of justice can yet injure but particulars. 'Tis true, there may be many, too many, instances of strange oppressions, great oppressors, but 'twill be hard to judge the conclusion: *et sic de cæteris.* But take from us the property of our estates, our subsistence, we are no more a people: this is that vein which hath been so deep cut, so far exhausted, that to preserve our being we must, doubtless, stop this current. IT WILL BE TIME ENOUGH TO SETTLE RULES TO LIVE BY WHEN WE ARE SURE TO LIVE."

While this, as contrasted with Pym's tóne in the parliament of April, is a perfect illustration of his present change of temper, it was also, it cannot be doubted, intended to vindicate himself from a charge which I find brought against him by more than one of the puritans at the time — a lukewarmness concerning the bold questions of episcopal government,[1] in favour of the

[1] "Known" says Clarendon, speaking of Pym at this time, "to be inclined to the puritan party, yet not of those furious resolutions against the church, as the other leading men were, and wholly devoted to the earl of Bedford, who had nothing of that spirit." History, vol i p 323 Pym was, in fact, like Selden, and the majority of lawyers in the house of commons, a disciple of Erastus in matters of church government.

more practical strokes of policy by which he sought, first of all, to assault and take by storm the strong holds of the government of the king. The last words of the passage just quoted are a noble defence of what he had done, and was about to do, with this great view. In truth, the difficulties of the period, the considerations which should weigh with posterity against a hasty judgment of the most startling measures, were never so weightily expressed as in these few words. The first aim was to save the life of the republic; the next was to govern it.

"Mr. Speaker," he continued, "he that well weighs this little word property, or propriety, in our estates, will find it of a large extent. The leeches that have suck'd this blood, have been excise, benevolences, loans, impositions, monopolies, military taxes, ship-money, cum multis aliis; all which spring from one root. And is it not high time to grub up that root, that brings forth such fruit? Shall we first stand to lop the branches one by one, when we may down with all at once? *He that, to correct an evil tree, which brings forth bad fruit, shall begin at the master-bough, and so lop downwards, is in danger to fall himself before the tree falls. The safer and speedier way is to begin at the root; and there, with submission, would I lay the ax.*

"The root of most of our present mischiefs, and the ruin of all posterity, I hold to be those extrajudicial (judgments I cannot say, but rather) dooms, delivered by all the judges under their hands out of court, yet recorded in all courts; to the subversion of all our fundamental laws and liberties, and the annihilation, if not confiscation, of all our estates: '*that in case of danger, the king may impose upon his subjects; and that he is the sole judge of the danger, necessity, and proportion.*' This, in brief, is to take what, when, and where he will; which, *though delivered in the time of a gracious and merciful prince*, who we hope will not wrest it beyond our abilities, *yet, when left to the interpretation of a succeeding tyrant, if ever this nation be so*

unfortunate to fall into the hands of such, it is a record wherein every man might read himself a slave that reads it; — having nothing he can call his own, but all prostitute to the will of another.

"What to do in such a case, we are not to seek for precedents. Our honourable ancestors taught us, in the just and exemplary punishments of chief justice Tresilian and his complices [1], for giving their judgments out of parliament, against the established laws of parliament, how tender they were of us. How careful, then, ought we to be to continue those laws, and to preserve the liberty of our posterity! I am far from maligning the person, nor in my heart wish I the execution, of any man; but *certainly it shall be a justice well becoming this house, to lay their heads at his majesty's mercy, who laid us under his feet; who had made us but tenants at will of our liberties and our estates. And though I cannot but approve of mercy, as a great virtue in any prince, yet I heartily pray it prove a precedent as safe and useful to this oppressed state as that of justice!*"

The force and condensation of these passages are wonderful indeed. But what follows is yet more striking, when taken as a great appeal to the future.

"Mr. Speaker, blasted may that tongue be, that shall, in the least degree, derogate from the glory of those halcyon days our fathers enjoyed during the government of that ever-blessed, never-to-be-forgotten royal Elizabeth. But certainly I may safely say, without detraction, it was much advantage to the peace and prosperity of her reign, that the great examples of Empson and Dudley were then fresh in memory. The civility of our law tells us, that the king can do no wrong; *but then only is the state secure, when judges, their ministers, dare do none. Since our times have found the want of such examples, 'tis fit we leave some to posterity!* God forbid all should be thought or found guilty; there are doubtless some ringleaders; let us sift

[1] These are the precedents alluded to by Goodwin, as having been urged "by John Pym in the beginning of the long parliament."

them out. In public government to pass by the nocent, is equal injustice as to punish the innocent. *An omission of that duty now will be a guilt in us, render us shamed in history, and cursed by posterity.* Our gracious and, in that act of voluntary justice, most glorious king hath given up, to the satisfaction of his afflicted people, the authors of their ruins. THE POWER OF FUTURE PRESERVATION IS NOW IN US. *Et qui non servat patriam cum potest, idem tradit destruenti patriam.* What though we cannot restore the damage of the commonwealth, we may yet repair the breaches in the bounds of monarchy; *though it be with our loss and charge, we shall so leave our children's children fenced as with a wall of safety*, by the restoration of our laws to their ancient vigour and lustre!

"'Tis too true, that it is to be feared the revenues of the crown, sold outright, would scarce remunerate the injuries or repay the losses of this suffering nation, since the pronouncing of that fatal sentence. What proportionable satisfaction, then, can this commonwealth receive in the punishment of a few inconsiderable delinquents? But 'tis a rule valid in law, and approved in equity, that *Qui non habent in crumenâ, luant in corpore:* and 'tis, without all question, so in policy, that *exemplary punishments conduce more to the safety of a state, than pecuniary reparations.* Hope of impunity lulls every bad great officer into security for his time; *and who would not venture to raise a fortune, when the allurements of honour and wealth are so prevalent, if the worst that can fall be but restitution only?* We see the bad effects of this bold erroneous opinion. *What was, at first, but corrupt law, is since, by encouragement taken from their impunity, become false doctrine.* The people are taught, in pulpits, 'that they have no property:' kings instructed in that destructive principle, 'that all is theirs;' and it is thence deduced into necessary state policy, and whispered in council, 'that he is no monarch, who is bounded by any law.'

"By these bad consequences, the best of kings hath

been, by the infusion of such poisonous positions, diverted from the sweet inclinations of his own natural equity and justice; the very essence of a king having been taken from him, which is the preservation of his people. And whereas *salus populi* is, or should be, *suprema lex,* the power of undoing us is masked under the style of royal prerogative. And is it not high time for us to make examples of the first authors of this subverted law, bad counsel, worse doctrine? Let no man think to divert us from the pursuit of justice, by poisoning the clear streams of our affections, with jealous fears of his majesty's interruptions, if we look too high. SHALL WE THEREFORE DOUBT OF JUSTICE, BECAUSE WE HAVE NEED OF GREAT JUSTICE? We may be confident, the king well knows, that his justice is the band of our allegiance — that it is the staff, the proof of his sovereignty."

Never was a finer answer given to an often repeated fallacy, than is contained in that sudden question of the orator; and the following peroration seems to me quite unequalled, in any ancient or modern speaker, for its beauty and condensation of thought. Its commencement is indeed an absolute and final vindication of such men as Pym, who, professing themselves the advocates of monarchy, were soon obliged to strip from the monarch all his abused resources of prerogative.

"'Tis a happy assurance, sir, of his majesty's intention of grace to us, that our loyalty hath at last won him to tender the safety of his people. And certainly (*all our pressures well weighed this twelve years last past*) *it will be found, that* THE PASSIVE LOYALTY OF A SUFFERING NATION HATH OUTDONE THE ACTIVE LOYALTY OF ALL TIMES AND STORIES. As the poet hath it, —

Fortiter ille facit, qui miser esse potest,

and I may as properly say, *Fideliter fecimus.* We have done loyally to suffer so patiently.

"Then since our royal lord hath, in mercy, visited us, let us not doubt but, in his justice, he will redeem his people. *Qui timide rogat, docet negare!* *When*

religion is innovated, our liberties violated, our fundamental laws abrogated, our modern laws already obsoleted, the property of our estates alienated — NOTHING LEFT US WE CAN CALL OUR OWN, BUT OUR MISERY AND OUR PATIENCE — *if ever any nation might justifiably, we certainly may now, now most properly, most seasonably, cry out, and cry aloud,* 'Vel sacra regnet justitia, vel ruat cælum!'"

And in the full acceptation of the spirit of these words, Pym prosecuted the great work he had now in hand, scarcely so much, as he here explains, in the hope of achieving present happiness, as of securing the liberties and happiness of the future. He has been bitterly assailed, by the enemies of freedom, for urging forward the measures now in contemplation, on the ground that, their tendency being antimonarchical, he thus, as an equally professed friend to liberty and to monarchy, gave the lie to his professions. But was this so? Has he not placed an undeniable refutation of it on record? The question had been reduced, in truth, as between Pym and the popular party, and Charles the First, to a question strictly personal. The nation had been brought into such a position by the government of Charles, as to make many of the hitherto undenied prerogatives of majesty, incompatible, in the person of Charles, with freedom. This is not to be denied, nor can the high and weighty considerations involved in it be dismissed by any affected discussion of them in the "abstract," or to the exclusion of the one grand element of the whole — the insincerity and perfidy of Charles himself.

In his opening speech of the session, the king had termed the Scots people "rebels." A vote was now passed by the commons, decreeing 300,000*l.* "for the friendly relief and aid, and towards the losses and necessities, of their brethren the Scots."[1] Pym's object, through all

[1] Inquiries were also ordered into the losses suffered by various members of the house by fine and imprisonment after the third parliament of Charles. Among the names specified, I find those of Pym and Hampden the last I take to be on the score of ship-money; but was not aware, before, that

his measures at this time, was apparently to strengthen the democratic power so far above that of the prerogative, as to enable the commons to resist a dissolution, in case a dissolution should be threatened. He was so far successful in achieving it, that an open effort to secure the continuance of parliament was now thought advisable. And this in two short months! But the final stand had, doubtless, now been taken by Pym and the chief men of the party; and, with unswerving reliance on that political and religious faith of the people to which they had been educated by the struggles and miseries of so many years, they moved forward with a steadiness of aim and determination, which bore down every opposing effort, and even every wish, against them. Clarendon, Falkland, and Digby, were carried along with the stream. Up to this time, and far beyond it, we hear no whisper of resistance on the score of danger to the monarchy. "Truly, I am persuaded," observes Clarendon, however, in a sort of self-vindication, "whatever design, either of alteration or reformation, was yet formed — I mean in the beginning of the parliament, was only communicated between Mr. Pym, Mr. Hampden, Mr. Fiennes, Mr. St. John, the earl of Bedford, the lords Say and Kimbolton, who, together with the earl of Rothes and the lord Louden (the Scots commissioners), managed and carried it on; and that neither the earl of Essex, Warwick, nor Brooke himself — no, nor Mr. Hollis or Strode, or any of the rest, were otherwise trusted, than upon occasion, and made use of according to their several gifts: but there was yet no manner of difficulty in swaying and guiding the affections of men, all having brought resolution and animosity enough against the excesses and exorbitancies that had been been exercised in the former government, and dislike enough to the persons guilty of the same, *and not yet discerning that there was any other intention*

Pym had then also been subjected to imprisonment and loss. Old Parl. Hist. vol. ix. p. 86.

than of a just and regular proceeding, and reformation upon both." So far, at least, this is valuable testimony. It is a warrant, from the authority of the strongest professed friends to the monarchy, for the justice of the impeachment and attainder of Strafford, and for all the measures up to the period of his death.

We have seen Pym alluding, in one of his speeches, to two statutes of Edward III., for the holding of annual parliaments. Upon this suggestion Mr. Prideaux now introduced a bill for yearly parliaments, which, how ever, by the amendments received in committee [1], was changed into a triennial measure. The most singular care and precaution were used in framing this statute. The issuing of writs was made imperative on the keeper of the great seal; in case of his failure, upon the lords; on failure of the latter, upon the sheriffs; and, in the last resort, representatives might be chosen by the people themselves. Charles made a desperate effort to elude assent to this famous bill; but an assent was extorted from him, and the people welcomed the event with bonfires and every mark of joy.[2]

Meanwhile Pym had abated none of his exertions in preparing for the impending trial of Strafford. A masterly series of twenty-eight articles of impeachment had been drawn up by himself and St. John, in which fourteen years of Strafford's life were set forth with wonderful force and precision; blending offences of various degrees, but so planned as to exhibit through them all the one grand offence charged upon the earl — *an attempt to subvert the fundamental laws of the country.* Information was now conveyed that sir George Radcliffe was mainly relied upon by Strafford for the proof of his answers [3], and Pym, well knowing Radcliffe to have been the wretched instrument of the lord deputy's guilt throughout, instantly charged high treason upon him also. Radcliffe shortly after escaped; but an

[1] See Journals of the House, 30th Dec. 1640; and again, Journals of 19th January

[2] See Parl. Hist. and Stat. 16 Car. I. c. 1. Clarendon's Hist. vol. i. p. 367

[3] See Clarendon's Hist. vol. i. p. 377

extract from Pym's speech in presenting the articles against him will not be thought inappropriate here.

"The earl," my lords, "is charged as an author; sir George Radcliffe as an instrument and subordinate actor. The influence of superior planets are often augmented and enforced, but seldom mitigated, by the concurrence of the inferior, where merit doth arise not from well doing, but from ill. The officiousness of ministers will rather add to the malignity of their instructions, than diminish it; that so they may more fully ingratiate themselves with those upon whom they depend. In the crimes committed by the earl, there appears more haughtiness and fierceness, being acted by his own principles. Those motions are ever strongest, which are nearer the *primum mobile*. But in those of sir George Radcliffe, there seems to be more baseness and servility, having resigned and subjected himself to be acted upon by the corrupt will of another. The earl of Strafford hath not been bred in the study and practice of the law, and *having stronger lusts and passions to incite*, and less knowledge to restrain him, might more easily be transported from the rule. Sir George Radcliffe, in his natural temper and disposition being more moderate, and, by his education and profession, better acquainted with the grounds and directions of the law, was carried into his offences by a more immediate concurrence of will, and a more corrupt suppression of his own reason and judgment. My lords, as both these have been partners in offending, so it is the desire of the commons they may be put under such trial and examination, and other proceedings of justice, as may bring them both to partake of a deserved punishment, for the safety and good of both kingdoms."

As the trial of Strafford approached, the king made an effort to save him by a compromise with the leaders of the opposition. Whitelocke's account of this negotiation [1] is unsatisfactory and obscure; but it is possible

[1] These are his words: — "But there was a proposal (the subject of much discourse), to prevent all this trouble, and to restore the earl of

that, from some extracts I shall now make from Clarendon, a just notion of the whole transaction may be arrived at. This is the more necessary, since it has been made matter of grave accusation against the virtue of Pym and Hampden by a writer [1] who is not less distinguished by his genius than his zeal.

"From the time," says the noble historian, "that there was no more fear of the archbishop of Canterbury, nor the lord lieutenant of Ireland, nor of any particular men who were like to succeed them in favour, all who had been active in the court or in any service for the king being totally dispirited, and most of them to be disposed to any vile offices against him, — *the great patriots thought they might be able to do their country better service if they got the places and preferments in the court* [2], *and so prevent the evil counsels which had used to spring from thence*. . . . The earl of Bedford was to be treasurer; in order to which the bishop of London had already desired the king to receive the staff. And so the treasury was for the present put into commission. Mr. Pym was to be chancellor of the exchequer. . . . These two were engaged to procure the king's revenue to be liberally provided for [3], and *honourably*

Strafford to his former favour and honour, if the king would prefer some of the grandees to offices at court, whereby Strafford's enemies should become his friends, and the king's desires be promoted It was, that should be made lord treasurer, the lord Say master of the wards, Mr Pym chancellor of the exchequer Mr Holles secretary of state, Mr Hampden tutor to the prince, others to have other places In order whereunto the bishop of London resigned up his treasurer's staff, the lord Cottington his place of the master of the wards, and the rest were easily to be voided But whether upon the king's alteration of his mind, or by whatever means it came to pass, is uncertain, these things were not effected, and the great men baffled thereby became the more incensed and violent against the earl, joining with the Scotch commissioners, who were implacable against him" The blank is supposed to have been left for lord Bedford's name.

[1] Mr. Southey, in the Quarterly Review

[2] In the spurious editions of lord Clarendon — that is, in every edition published before the Oxford one of 1826, this passage stands thus — "if they got the places and preferments of the court *for themselves.*" See Hist. vol. i p 369

[3] I may here quote the charge which is subsequently brought by Clarendon (vol iv p. 438—439) against the memory of Pym, and which I have already (p 43) adverted to "The king at one time intended to make Mr. Pym chancellor of the exchequer, for which he received his majesty's promise, and made a return of a suitable profession of his service and devotion; and thereupon, the other being no secret, *somewhat declined from that sharpness in the house which was more popular than any man's,*

increased and settled: and that this might be the better done, the earl of Bedford prevailed with the king, upon the removals mentioned before, to make Oliver St. John his solicitor general; which his majesty readily consented to, *hoping that he would have been very useful in the present exigence to support his service in the house of commons,* where his authority was then great; at least, that he would be ashamed ever to appear in any thing that might prove prejudicial to the crown. And he became immediately possessed of that office of great trust, and was so well qualified for it at that time, by his fast and rooted malignity against the government, that he lost no credit with his party, out of any apprehension or jealousy that he would change his side: and he made good their confidence; not in the least degree abating his malignant spirit, or dissembling it, but with the same obstinacy opposed every thing which might advance the king's service, when he was his solicitor, as

and made some overtures to provide for the glory and splendour of the crown, in which he had so ill success, that his interest and reputation there visibly abated, and he found that he was much better able to do hurt than good, which wrought very much upon him to melancholy, and complaint of the violence and discomposure of the people's affections and inclinations." If any period could have been carefully selected before another with a view to prove the utter falsehood of this charge, it had been the very time named by lord Clarendon. Pym's interest and repute with the commons was never so extraordinary and commanding as during and after the proceedings against Strafford, nor did it ever, as we shall see, in the slightest respect abate, till after the disastrous reverses at the commencement of the civil war. Now observe upon what the spite of lord Clarendon, for which truly there was natural and sufficient cause, seems, with even less reason than on the words quoted at p. 1[illegible], to have trumped up all this. In a pamphlet of the time, entitled "The Diurnall Occurrences of both Houses from the 3rd of November 1640, to the 3rd of November 1641," I find mention made of a debate respecting ship-money and tonnage and poundage, which took place on the 27th of November 1640, and in which some words spoken by Selden gave rise to the following from Pym. The reader will recollect that the very step he here recommends was stated by him to be on the eve of being taken, when the third parliament was dissolved. "That morning, also, master Pym, the great parliament man, declared that they would make the king the richest king in all Christendome, and that they had no other intention, but that he should continue their king to govern them, and pressed he might have tonnage and poundage granted him by act of parliament, which took well in the house; *but stood upon it to have grievances first reformed*, AND SO IT WAS LEFT AT LARGE." So that here, immediately after Strafford and Laud had been yielded to the tower, and long before any compromise of office was thought of, we find Pym simply recommending what the third parliament wished to have done, with a condition which it is even possible that parliament would have dispensed with, and this is twisted into the charge first quoted, to gratify the spleen and spite of a personal and political opponent.

ever he had done before. The lord Say was to be master of the wards, and Denzil Holles secretary of state. *Thus far the intrigue for preferments was entirely complied with; and it is great pity that it was not fully executed, that the king might have had some able men to have advised or assisted him;* which probably these very men would have done after they had been so thoroughly engaged.... But the earl of Bedford was resolved that he would not enter into the treasury till the revenue was in some degree settled; at least, the bill for tonnage and poundage passed, with all decent circumstances, and for life; which both he and Mr. Pym did very heartily labour to effect, and had in their thoughts many good expedients, by which they intended to raise the revenue of the crown. *And none of them were very solicitous to take their promotions, before some other accommodations were provided for some of the rest of their chief companions;* who would be neither well pleased with their so hasty advancement before them, nor so submissive in the future to follow their dictates. Hampden was a man they could not leave unprovided for; and therefore there were several designs, and very far driven, for the satisfaction and promotion of him, and Essex, and Kimbolton, and others; though not so fully concluded, as those before mentioned. *For the king's great end was, by these compliances, to save the life of the earl of Strafford, and to preserve the church from ruin:* for nobody thought the archbishop in danger of his life. *And there were few of the persons mentioned before, who thought their preferments would do them much good, if the earl were suffered to live; but in that of the church, the major part even of those persons would have been willing to have satisfied the king;* the rather because they had no reason to think the two houses, or indeed either of them, could have been induced to have pursued the contrary. *And so the continued and renewed violence in the prosecution of the earl of Strafford made the king well contented* (as the other reasons prevailed with the

other persons) *that the putting of those promotions in practice should be for a time suspended.*"[2] And in a subsequent passage, lord Clarendon, probably without intending it, supplies some very singular and serviceable comments on his present account of these transactions. "If that stratagem," he says, "of winning men by places, had been practised as soon as the resolution was taken at York to call a parliament (in which, it was apparent, dangerous attempts would be made, and that the court could not be able to resist those attempts), and if Mr. Pym, Mr. Hampden, and Mr. Hollis had been then preferred with Mr. Saint John, before they were desperately embarked in their desperate designs, *and had innocence enough about them to trust the king*, and be trusted by him (having yet contracted no personal animosities against him), it is very possible, that they might either have been made instruments to have done good service, or at least been restrained from endeavouring to subvert the royal building, for supporting whereof they were placed as principal pillars. But the rule the king gave himself (very reasonable at another time), *that they should first do service, and compass this or that thing for him*, before they should receive favour, was then very unseasonable; since, besides that they could not in truth do him that service without the qualification, it could not be expected they would desert that side, by the power of which they were sure to make themselves considerable, without an unquestionable mark of interest in the other, by which they were to keep up their power and reputation. And so, *whilst the king expected they should manifest their inclinations to his service by their temper and moderation in those proceedings that most offended him, and they endeavoured, by doing all the hurt they could, to make evident the power they had to do him good, he grew so far disobliged and provoked that he could not in honour gratify them*, and they so obnoxious and guilty that they could not think

[1] Hist. vol i. p 369—372.

themselves secure in his favour; and thence, according to the policy and method of injustice, combined to oppress that power they had injured, and to raise a security for themselves by disenabling the king to question their transgressions."[1]

Now, surely, there cannot remain a doubt, after a careful observation of these extracts, of the precise nature and conduct of the "compromise" which Whitelock has so imperfectly and obscurely stated. It is quite clear that Pym and lord Bedford never for an instant contemplated the restoration of Strafford, as their condition of entering office. It is here acknowledged that the thought of office was only entertained by the patriots on the understanding that Strafford and Laud, with all their evil counsels, were silenced for ever; and it is proved, in the case of St. John, that the great body of the opposition had sufficient faith in their leaders to see them assume office without the fear that they would "change sides." Doubtless, when the negotiation was first entered on, some pledge for what is called by Clarendon the "security of the church," was given by Pym; since there was nothing in his opinions on that subject[2] that should have raised up an insurmountable obstacle. The ecclesiastical constitution of England, as it existed in that day, apart from Laud's gross administration, and as it exists now, is as nearly as possible Erastian in theory, and almost wholly Erastian in practice. But, admitting that such a pledge was given, it is to be observed, also, that neither Pym nor lord Bedford would consent to treat with the king on any narrow or personal consideration — the people were to have a secure guarantee for a thoroughly and completely popular ministry. "Neither of them were

[1] Hist. of Rebel. vol. ii. p. 60, 61.

[2] "In the house of commons, though of the chief leaders, Nathaniel Fiennes and young sir Harry Vane, and shortly after Mr Hampden (who had not before owned it), were believed to be for root and branch; which grew shortly after a common expression, and discovery of the several tempers, *yet Mr Pym was not of that mind*, nor Mr Hollis, nor any of the northern men, or those lawyers who drove on most furiously with them: *all of whom were pleased with the government itself of the church*." Clarendon's History of the Rebellion, vol. i. p. 410. See afterwards vol. iv. p. 4‿7.

very solicitous to take their promotions before accommodations were provided for the rest of their chief companions." And why was the whole negotiation suddenly broken off? Because of a "continued and renewed violence in the prosecution of the earl of Strafford" is the distinct reply of Clarendon; because none of the popular statesmen "thought their preferment would do them much good, if the earl were suffered to live." It is true that the same writer, in another part of his voluminous work, has apparently a partial contradiction of this; but its precise terms are worth notice. "The earl of Bedford *secretly* undertook to his majesty, that the earl of Strafford's life should be preserved, and to procure his revenue to be settled as amply as any of his progenitors."[1] Here Pym's name is omitted, and the "secrecy" of the undertaking alluded to would seem to imply treachery on the part of lord Bedford to his political associates. Now Clarendon is not the best authority to receive such an accusation from. Laud, though he was then a prisoner, had ample opportunity of making himself master of the state of parties and affections, and his testimony may be taken with greater confidence. He accuses the earl of Bedford with remaining "savagely" intractable respecting the death of Strafford. "The earl," he says, in his diary, "being thus laid low, and his great services done in Ireland made part of his accusation, I cannot but observe two things: the one, that upon Sunday morning before, Francis earl of Bedford (having about a month before lost his second son, in whom he most joyed) died, the small-pox striking into his brain. This lord was one of the main plotters of Strafford's death; and I know where he, with other lords, before the parliament sat down, resolved to have his blood. But God *would not let him live to take joy therein*, but cut him off in the morning, whereas the bill for the earl of Strafford's death was not signed till night," &c.

This, then, is the conclusion to which all impartial

[1] Hist vol. i. p. 446.

men must come, respecting this much-disputed passage of history — that, whatever shape, or ultimate purpose, these proposed changes might have assumed in the mind of Charles, they have left unsullied the motives of Pym and Hampden. With the king the negotiation may have been merely a stratagem of despair, but with the patriots it was entertained with a sincere and *bonâ fide* hope of serving the cause, and possibly of saving the king. Happy would the issue, in all probability, have proved for England: but, whether or no, little did Pym and Hampden then deserve to have it said of them, in after times, that they only "wanted places and power; and being disappointed in their expectations, they determined upon shedding the blood of the man with whom, if they might have been taken into office, they were willing to have coalesced."[1] Granting, for an instant, that it were possible to reconcile such a charge with our impressions of virtue of the accused, how could it consist with their undisputed genius? They had been short-sighted fools, and not wise statesmen, to have hazarded such an outrage on that people whose confidence had given them their power. Mr. Southey is an able and unflinching defender of his party; but, when he sees the propriety of withdrawing this remark, he will be the last to refuse such a concession to truth.[2]

The impeachment of Strafford now moved gradually forward, and at last, on the 22d of March, the trial was opened in Westminster Hall. That mighty scene has been already described,[2] and it is only necessary here to present some memorable passages from the speeches of the second chief actor in it, the accuser Pym. The first day was occupied with a recapitulation of the charges and answers.

"My lords," said Pym, rising on the morning of the

1 Mr. Southey, in the Quarterly Review.

2 I should not omit to say that Hume's view of this matter (History, vol v p 264. quarto ed) does not materially differ from that which I have taken.

3 Life of Strafford, p. 381., 388.

second day, "we stand here by the commandment of the knights, citizens, and burgesses, now assembled for the commons in parliament. And we are ready to make good that impeachment whereby Thomas earl of Strafford stands charged in their name, and in the names of all the commons of England, with high treason.

"This, my lords, is a great cause, and we might sink under the weight of it, and be astonished with the lustre of this noble assembly, if there were not in the cause strength and vigour to support itself, and to encourage us. It is the cause of the king; it concerns his majesty in the honour of his government, in the safety of his person, in the stability of his crown. It is the cause of the kingdom; it concerns not only the peace and prosperity, but even the being of the kingdom. We have that piercing eloquence, the cries and groans, and tears and prayers, of all the subjects assisting us. We have the three kingdoms, England and Scotland and Ireland, in travail and agitation with us, bowing themselves, like the hinds spoken of in Job, to cast out their sorrows.

"Truth and goodness, my lords—they are the beauty of the soul; they are the protection of all created nature; they are the image and character of God upon the creatures. This beauty evil spirits and evil men have lost; but yet there are none so wicked but they desire to march under the show and shadow of it, though they hate the reality.

"This unhappy earl, now the object of your lordships justice, hath taken as much care, hath used as much cunning, to set a face and countenance of honesty and justice upon his actions, as he hath been negligent to observe the rules of honesty in the performance of all these actions. My lords, it is the greatest baseness of wickedness, that it dares not look in its own colours, nor be seen in its natural countenance. But virtue, as it is amiable in all respects, so the least is not this, that *it puts a nobleness, it puts a bravery upon the*

mind, and lifts it above hopes and fears, above favour and displeasure. It makes it always uniform and constant to itself. The service commanded me and my colleagues here, is to take off those vizards of truth and uprightness, which hath been sought to be put upon this cause; and to show you his actions and his intentions, in their own natural blackness and deformity.

"My lords, he hath put on a vizard of truth in these words, wherein he says, 'that he should be in his defence more careful to observe truth, than to gain advantage to himself.' He says, he would endure any thing rather than be saved by falsehood.

"*It was a noble and brave expression if it were really true.*

"My lords, he hath likewise put the vizard of goodness on his actions, when he desires to recite his services in a great many particulars, as if they were beneficial to the commonwealth and state, whereas we shall prove them mischievous and dangerous.

"It is left upon me, my lords, to take off these vizards, and appearances of truth and goodness, in that part of his answer which is the preamble; and that I shall do with as much faithfulness and brevity as I can.

"The first thing, my lords, that I shall observe in the preamble, is this:—That having recited all these great and honourable offices which he hath done under his majesty, he is bold to affirm that he hath been careful and faithful in the execution of them all.

"My lords, if he might be his own witness, and his own judge, I doubt not but he would be acquitted. It is said in the Proverbs of the adulterous woman, 'that she wipes her mouth,' and says, 'she had done no evil.' Here is a wiping of the mouth, here is a verbal expression of honesty. But, my lords, the foulness and unjustness will never be wiped off, neither from his heart, nor from his actions; I mean for the time past—God may change him for the time to come!"

With the same earnest gravity, and in the same confident and inflexible tone, Pym proceeded to observe

upon the various parts of Strafford's "apologetical preamble." Among other allegations, for instance, that in all things he had "endeavoured the honour of the king." Here the accuser exclaimed, "The honour of the king! My lords, we say, it is the honour of the king that he is the father of his people, that he is the fountain of justice; and it cannot stand with his honour and his justice, to have his government stained and polluted with tyranny and oppression!" Another of Strafford's allegations was, that by his means many good and wholesome laws had been made since his government in Ireland. "Truly, my lords," said Pym, "if we should consider the particulars of these laws, some of them will not be found without great exception. But I shall make another answer. Good laws, nay, the best laws, are no advantage when *will* is set above law; when the laws have force to bind and restrain the subject, but no force to relieve and comfort him."

Pym then proceeded thus: — "He says, he was a means of calling a parliament not long after he came to his government. *My lords, parliaments without parliamentary liberties are but a fair and plausible way into bondage.* That parliament had not the liberties of a parliament. Sir Pierce Crosby, for speaking against a bill in the commons' house, was sequestered from the council table, and committed to prison. Sir John Clotworthy, for the same cause, was threatened that he should lose a lease that he had. Mr. Barnewell, and two other gentlemen, were threatened they should have troops of horse put upon them for speaking in the house. Proxies, by dozens, were given by some of his favourites; and, my lords, parliaments coming in with these circumstances, they be grievances, mischiefs, and miseries; no works of thanks or honour."

Strafford had urged his having been a means to put off monopolies and other burdensome projects from the subject; upon which his accuser observed thus bitterly: — "If he had hated the injustice of a monopoly, or the mischief of a monopoly, he would have hated

it in himself. He himself would have been no monopolist. Certainly, my lords, it was not the love of justice, nor the common good, that moved him. And if he were moved by anything else, he had his reward. *It may be it was because he would have no man gripe them in the kingdom but himself; his own harvest crop would have been less, if he had had sharers. It may be it was because monopolies hinder trade; he had the customs, and the benefit of the customs would have been less.* When we know the particulars, we shall make a fit and proper answer to them. But in the meantime, we are sure, that whatsoever was the reason, it was not justice, nor love of truth, that was the reason."

Alluding next to Strafford's plea, that he had no other commission but what his predecessors had, and that he had executed that commission with all moderation — the orator proceeded thus powerfully: "For the commission, it was no virtue of his if it were a good commission. I shall say nothing of that. But for the second part, — his moderation! When you find so many imprisoned of the nobility! so many men, some adjudged to death, some executed without law! when you find so many public rapines on the state, soldiers sent to make good his decrees — so many whippings in defence of monopolies — so many gentlemen that were jurors, because they would not apply themselves to give verdicts on his side, to be fined in the Star Chamber — men of quality to be disgraced, set on the pillory, and wearing papers, and such things (as it will appear through our evidence) — can you, my lords, think there was any moderation? And yet truly, my lords, I can believe that if you compare his courses with other parts of the world ungoverned, he will be found beyond all tyranny and harshness; but if you compare them with his own mind and disposition, *perhaps there was moderation!* Habits, we say, are more perfect than acts, because they be nearest the principle of actions. *The habit of cruelty in himself* (no doubt) *is more perfect than any act of cruelty he hath committed;*

but if this be his moderation, I think all men will pray to be delivered from it. I may truly say that that is verified in him, 'The mercies of the wicked are cruel!'"

Then, after exposing at length, and with singular precision, the fallacies respecting revenue in the answers of Strafford, Pym took up one of his statements, to the effect that many churches had been built since his government; and went on,—"Truly, my lords, why he should have any credit or honor if other men builded churches, I know not; I am sure we hear of no churches he hath built himself. If, indeed, he had been careful to have set up good preachers, that would have stirred up devotion in men, and made them desirous of the knowledge of God, and by that means made more churches, it had been something. But I hear nothing of spiritual edification, nothing of the knowledge of God, that by his means hath been dispersed in that kingdom. And certainly they that strive not to build up men's souls in a spiritual way of edification, let them build all the material churches that can be they will do no good: God is not worshipped with walls, but he is worshipped with hearts."

It is necessary to hasten, however, through many remarkable details in this speech to the memorable words which closed it:—"The earl concludes, my lords, with a desire, 'that he may not be charged with errors of his understanding or judgment, being not bred up in the law; or with weakness, to which human nature is subject.' Truly, my lords, it would be far from us to charge him with any such mistakes! No, my lords, *we shall charge him with nothing but what the law in every man's breast condemns,—the light of nature, the light of common reason, the rules of society*. And this will appear in all the articles which my colleagues will offer to you."

It has been observed in the course of this work[1], that in the speeches of Pym alone will be found a

[1] Life of Strafford, p. 397.

real vindication of all the proceedings against Strafford up to the exaction of his life. From them alone is indeed reflected that "flowing and existing light of the public welfare," which discovered to virtuous statesmen then what was requisite to be done, and without which now our sight is dull and feeble. It appears to me that Pym, and of all the managers Pym alone, argued the accusation and conviction of the earl as of the substance of eternal right, in opposition to the technical forms which the defence assumed. That crisis of danger to the public liberties had in his view already arrived, wherein, by every precedent of great and virtuous statesmanship, the question of JUSTICE reared itself above the narrow limits of the law.

Hence it was that, early on the morning of the thirteenth day of the trial, — when the eloquence, the dignity of demeanour, and the obvious bodily sufferings of the noble accused, had weighed as much in his favour with the lords his judges, as the commanding intellect and mournful severity of his features had prepossessed the lady spectators on his side, — Pym rose in his place in the house of commons, and announcing a discovery of the last importance respecting Strafford, presented to the house certain weighty reasons for closing the proceedings against the earl by the legislative enactment of a bill of attainder. He then produced Vane's famous notes, in proof of advice from Strafford given to the king at the council table, that he had an army in Ireland by which England might be reduced to obedience; and moved that the bill of attainder, which he now also produced, should be read a first time.

Pym's motives to this sudden course are obvious. They are distinctly explained by a motion which he submitted to the house six days after, when, on the bringing up the report of the bill previous to its third reading, he prevailed with the house to pass, unanimously, a previous resolution, "That it has been sufficiently proved that Thomas earl of Strafford hath endeavoured to subvert the ancient and fundamental

laws of these realms of England and Ireland, and to introduce an arbitrary and tyrannical government against law." [1] In the course of the proceedings of the impeachment, and on the discovery of Vane's notes, the policy no less than the necessity had made itself apparent to him, of fixing the case of Strafford on wider and more special grounds than were found to be involved in a very strict construction of the old statute of treasons. Admitting this, however, nothing is so vain as to argue this question with a view to our present settlement of the laws of evidence and treason. The rules of evidence, and legal constructions of statutes, which are now clearly and intelligibly defined, were then recognised doubtfully, and frequently exceeded; nor is it to be denied that the people at least — accustomed as they were to perpetual stretchings of the statute of Edward by constructive interpretation — were unable to attach any definite sense to the crime. [2] In Pym's refusal even to risk any arbitrary construction of a statute which might thereafter be turned against the people, we see only a fresh evidence of his never-ceasing care of the public freedom, which he would not consent to endanger, even in so extraordinary an emergency, by any possible invasion of the securities of regular jurisprudence. He resolved on a bill of attainder. Bills of attainder were not then unusual, were the same in principle as the ordinary bills of pains and penalties; and the argument against such a proceeding, as an act of retrospective punishment, was thoroughly answered in the case of Strafford by the course which Pym adopted. The histories do not mention the resolution I have just quoted, but it embodies his grand vindication. It plainly reduced the reasoning of Strafford to this, that though to trangress a particular law is a crime, he who takes advantage of circumstances to overturn the whole established laws had no legal warning of his guilt, and therefore was no criminal. Pym only waited

[1] See Journals of 15th April, 1641.
[2] See Hallam's Const. Hist. vol. ii. p. 146.

till he had reason to believe that the proofs he advanced under the fifteenth article of the impeachment did not amount to a substantive treason under the statute, — when it is very clear that he at once resolved upon this course; wisely judging it better to fix the guilt of Strafford on higher and grander considerations[1], and to bring the treason that had been committed against the laws and liberties of the commonwealth to the immediate arbitration of what he justly termed "the element and source of all laws, out of which they are derived, — the end of all laws, to which they are designed, and in which they are perfected." With this view also he inserted the famous proviso in the bill, that the present attainder should not be acted upon by the judges as a precedent in determining the crime of treason. Truly has Mr. Godwin said[2] that this illustrates, emphatically, the clearness of his conceptions and the equality of his temper, through the whole of these memorable proceedings.

Nothing has been so little understood — not to say grossly misrepresented — as the exact course of Pym in this matter. He did *not* wait till "the impeachment had obviously failed" — he did *not* wait to see "the effect of Vane's notes upon the lords" — he did *not* at last hurry the bill of attainder through the lower house "with indecent haste." Clarendon's assertions, that the bill was not introduced till after Strafford's defence was made, and that then it was "received with wonderful alacrity and immediately read the first and the second time, and so committed, which was not usual in parliaments[3]," are simply untruths. Pym introduced the bill on the 10th of April, when it was read the first time; Vane's notes were not read in Westminster Hall till the 13th of April, immediately before Strafford's defence; on the day following (the 14th) the bill of attainder was read a second time; and the third reading

[1] See these considerations urged at greater length in the Life of Strafford, p. 90—406.
[2] Hist. of the Commonwealth, vol. i. p. 92.
[3] Hist. vol. i. p. 396.

did not pass till the 21st of April.[1] Meanwhile Pym and St. John had both stated to the house of lords, that the commons did not seek "to decline their lordships' justice in a judicial way[2]" by submitting the bill of attainder to them; and ultimately the house of lords did in fact vote upon each article of the bill judicially, and not as if they were enacting a legislative measure; while the judges themselves, on a solemn reference by the lords for their opinion whether some of the articles charged upon Strafford amounted to treason, answered unanimously that upon all which their lordships had voted to be proved, they considered the earl to be guilty of that crime. So that, in truth, there is no reason to suppose a failure of the impeachment, had it been allowed to proceed. It was Pym who first refused to sanction that proceeding with the weight of his authority in after-times; and to him, and the great men who acted with him, be awarded the praise of having thus stamped the guilt of Strafford as a treason against the people rather than the king, and, while they guarded with profound and sagacious care the liberty of the subject and the strict authority of the law, of having written for all future ages, in the death of Strafford, the terrible lesson of a nation's retribution.

I now return to the last day of the trial in Westminster Hall, where the lords still proceeded as if they were ignorant of the bill now pending in the lower house. On the 13th of April, after lord Strafford had delivered the noble and affecting burst of eloquence with which his defence concluded, Pym rose, and, in the language of an honest writer[3] who was present, "made, in half an hour, to the confession of all, one of the most eloquent, wise, free speeches, that ever we heard, or I think shall ever hear."[4] The speech

[1] See the Journals of those days; or the Old Parl. Hist. vol ix p 232.
[2] Nalson's Collections, vol ii p 163.
[3] Baillie, the principal of the Glasgow University.
[4] "The king," Baillie adds, "never heard a lecture of so free language against that his idolized prerogative. Some of the passages, and no more but some, and these defaced, I send you in print, as they have been taken in speaking by some hand."

was indeed extraordinary. It seems, by all the accounts, to have been delivered with the evident sense that the great occasion of the speaker's life had come, and that with him it now finally rested whether or not the privileges so long contested, and the rights so long misunderstood, of the great body of the people, should win at last their assured consummation and acknowledgment.

"My lords," he began, "many days have been spent in maintenance of the impeachment of the earl of Strafford by the house of commons, whereby he stands charged with high treason; and your lordships have heard his defence with patience, and with as much favour as justice will allow. We have passed through our evidence; and the result is, that it remains clearly proved that the earl of Strafford *hath endeavoured by his words, actions, and counsels, to subvert the fundamental laws of England and Ireland, and to introduce an arbitrary and tyrannical government.*

"This is the envenomed arrow[1] for which he inquired in the beginning of his replication this day, which hath infected all his blood; this is that intoxicating cup (to use his own metaphor) which hath tainted his judgment, and poisoned his heart! From hence was infused that specifical difference which turned his speeches, his actions, his counsels into treason,—not cumulative, as he expressed it, as if many misdemeanours could make one treason; but formally and essentially. It is the end that doth inform actions, and doth specificate the nature of them, making not only criminal, but even indifferent, words and actions, to be

[1] In the commencement of the defence which had just closed, Strafford, observing upon the statement of his accusers, that separate articles in the impeachment might be no treason in themselves, and yet conduce to the proof of treason, had said—"And hence, my lords, I have all along watched to see if I could find that poisoned arrow that should envenom all the rest—that deadly cup of wine that should intoxicate a few alleged inconveniences and misdemeanours, to run them up to high treason." Pym's remarks on this and other important points of the defence proves that in general management, and much of the expression, this great speech of his was delivered extempore.

treason, when done and spoken with a treasonable intention.

"That which is given to me in charge is to shew the quality of the offence, how heinous it is in the nature, how mischievous in the effect of it; which will best appear, if it be examined by that law to which he himself appealed, that universal, that supreme law, SALUS POPULI. This the element of all laws, out of which they are derived; the end of all laws, to which they are designed, and in which are they perfected. How far it stands in opposition to this law, I shall endeavour to shew; in some considerations, which I shall present to your lordships, arising out of the evidence which hath been opened.

"The first is this,—it is an offence comprehending all other offences. Here you shall find several treasons, murthers, rapines, oppressions, perjuries. The earth hath a seminary virtue, whereby it doth produce all herbs and plants, and other vegetables: there is in this crime a seminary of all evils hurtful to a state; and if you consider the reasons of it, it must needs be so.

"*The law is that which puts a difference betwixt good and evil, betwixt just and unjust. If you take away the law, all things will fall into a confusion. Every man will become a law to himself, which, in the depraved condition of human nature, must needs produce many great enormities. Lust will become a law, and envy will become a law, covetousness and ambition will become laws; and what dictates, what decisions such laws will produce, may easily be discerned in the late government of Ireland!*

"The law hath a power to prevent, to restrain, to repair evils. Without this, all kinds of mischief and distempers will break in upon a state. It is the law that doth entitle the king to the allegiance and service of his people; it entitles the people to the protection and justice of the king. It is God alone who subsists by himself; all other things subsist in a mutual de-

pendence and relation. He was a wise man that said that the king subsisted by the field that is tilled: it is the labour of the people that supports the crown. If you take away the protection of the king, the vigour and cheerfulness of allegiance will be taken away, though the obligation remain.

"The law is the boundary, the measure, betwixt the king's prerogative and the people's liberty. Whilst these move in their own orbs, they are a support and a security to one another,—the prerogative a cover and defence to the liberty of the people, and the people by their liberty enabled to be a foundation to the prerogative; but if these bounds be so removed that they enter into contestation and conflict, one of these mischiefs must ensue,—if the prerogative of the king overwhelm the liberty of the people, it will be turned into tyranny; if liberty undermine the prerogative, it will grow into anarchy."

The whole compass of our language does not contain a nobler description of law than this. It has indeed been justly pronounced, by no partial witness [1] to Pym's memory, to combine the splendour of one of the common-places of Cicero with the logical force of lord Bacon's profound meditations. It has even greater force, philosophy, and beauty, when viewed in relation to the wider appeal which the speaker had already judged it necessary to make, not less to prevent the possibly undue stretching of a statute, than to wither and destroy the monstrous assumption of the accused—that he, forsooth, was a pleader for the law, while the very principle assumed in his argument is that of having laboured to overturn all law.

It will be observed, however, that nothing so strikingly impresses itself upon us, in reading Rushworth's report [2] of this extraordinary speech, than the instant and impressive practical application to the defence which Strafford had just delivered, with which all the great

[1] Mr D'Israeli in his Commentaries, vol iv. p. 467

[2] My quotations are taken from it.

principles and abstract truths on which Pym must have thought for years, now, with a stately vehemence, rushed forth from him. This it is, as with the greatest orators, to comprehend the whole of a subject, no matter how overwhelming in its interests and proportions, at a single glance; and then, out of an armoury of words and thoughts, collected through the untiring exertions of a life of observation and study, to know how to send every word and every thought to its errand, like an arrow to its mark, with unerring aim. The first of the noble passages which follow has reference to what Strafford had said in his defence respecting Ireland,—that it was a conquered country, and that his illegal exertions there were to maintain the king's absolute sovereignty. This was as good an argument as many that have been since advanced, with less excuse, for subsequent oppressions in the same quarter; but mark with what final and unanswerable eloquence Pym crushes every such sophism or pretension!

"The law is the safeguard, the custody of all private interests. Your honours, your lives, your liberties, and estates, are all in the keeping of the law. Without this, every man hath a like right to any thing; and such is the condition into which the Irish were brought by the earl of Strafford. But the reason which he gave for it hath even more mischief in it than the thing itself. *They were a conquered nation!* There cannot be a word more pregnant and fruitful in treason than that word is. There are few nations in the world that have not been conquered, and no doubt but the conqueror may give what law he pleases to those that are conquered; but if the succeeding pacts and agreements do not limit and restrain that right, *what people can be secure?* England hath been conquered, and Wales hath been conquered, and by this reason will be in little better case than Ireland. *If the king, by the right of a conqueror, gives laws to his people, shall not the people, by the same reason, be restored to the right of the conquered to recover their liberty if they can?* What can

be more hurtful, more pernicious to both, than such propositions as these? And in these particulars is determined the first consideration.

"The second consideration is this — arbitrary power is dangerous to the king's person, and dangerous to his crown. It is apt to cherish ambition, usurpation, and oppression, in great men, and to beget sedition and discontent in the people; and both these have been, and in reason must ever be, causes of great trouble and alteration to princes and states. If the histories of those eastern countries be pursued, where princes order their affairs according to the mischievous principles of the earl of Strafford, loose and absolved from all rules of government, they will be found to be frequent in combustions, full of massacres, *and of the tragical ends of princes*. If any man shall look into their own stories, in the times when the laws were most neglected, he shall find them full of commotions, of civil distempers; whereby the kings that then reigned were always kept in want and distress; the people consumed with civil wars; — and by such wicked counsels as these some of our princes have been brought to such a miserable end as no honest heart can remember without horror, and an earnest prayer that it may never be so again.[1]

"The third consideration is this — the subversion of the laws; and this arbitrary power, as it is dangerous to the king's person and to his crown, so is it in other respects very prejudicial to his majesty, in his honour, profit, and greatness. And yet these are the gildings and paintings that are put upon such counsels, 'these are for your honour — for your service;' whereas in truth they are contrary to both. But if I take off this varnish, I hope they shall then appear in their own native deformity; and therefore I desire to consider them by these rules.

[1] The king was present, the reader will recollect, though not recognised as being so. A screen of trellis-work was before him. It may be supposed that now, while these memorable words sounded through the hall, was the moment of "breaking down the screen with his own hand," as Baillie records him to have done.

"It cannot be for the honour of the king, that his sacred authority should be used in the practice of injustice and oppression, — that his name should be applied to patronize such horrid crimes, as have been represented in evidence against the earl of Strafford; and yet how frequently, how presumptuously, his commands, his letters, have been vouched throughout the course of this defence! Your lordships have heard when the judges do justice it is the king's justice; and this is for his honour, because he is the fountain of justice. But when they do injustice, the offence is their own. How these officers and ministers of the king, who are most officious in the exercise of arbitrary power, do it commonly for their own advantage; and, when they are questioned for it, then they fly to the king's 'interest,' to his 'direction!' Truly, my lords, this is a very unequal distribution for the king; that the dishonour of evil courses should be cast upon him, and they to have the advantage!

"The prejudice which it brings to him in regard of his profit is no less apparent, since it deprives him of the most beneficial and most certain revenue of his crown; that is, the voluntary aids and supplies of his people. His other revenues, consisting of goodly demesnes, and great manors, have by grants been variously alienated from the crown, and are now exceedingly diminished and impaired. But this revenue, it cannot be sold; it cannot be burdened with any pensions or annuities; it comes entirely to the crown. It is now almost fifteen years since his majesty had any assistance from his people; and these illegal ways of the supplying the king were never pressed with more violence and art, than they have been in this time: and yet I may, upon very good grounds, affirm, that in the last fifteen years of queen Elizabeth she received more by the bounty and affection of her subjects, than hath come to his majesty's coffers by all the inordinate and rigorous courses which have been taken. And, as those supplies were more beneficial in the

receipt of them, so were they like in the use and employment of them.

"Another way of prejudice to his majesty's profit is this, — such arbitrary courses exhaust the people, and disable them, when there shall be occasion, to give such plentiful supplies as otherwise they would do. I shall need no other proof of this than the Irish government under my lord of Strafford, where the wealth of the kingdom has been so consumed by those horrible exactions and burdens that it is thought, the subsidies lately granted will amount to little more than half the proportion of the last subsidies. The two former ways are hurtful to the king's profit, in that respect which they call *lucrum cessans*, by diminishing his receipts; but there is a third yet more full of mischief, and it is in that respect which they call *damnum emergens*, by increasing his disbursements. For such irregular and exorbitant attempts upon the liberties of the people are apt to produce such miserable distractions and distempers, as will put the king and kingdoms to so vast expenses and losses in a short time that they will not be recovered in many years. We need not go far to seek a proof of this, — these two last years will be a sufficient evidence; within which time I assure myself it may be proved, that more treasure hath been wasted, and more loss sustained by his majesty and his subjects, than was spent by queen Elizabeth in all the war of Tyrone, and in those many brave attempts against the king of Spain, and the royal assistance which she gave to France and the Low Countries, during all her reign.

"Now, as for greatnesse,— this arbitrary power is apt to hinder and impair it, not only at home, but abroad. A kingdom is a society of men conjoined under one government for the common good. The world is a society of the kingdoms and states. The king's greatness consists not only in his dominion over his subjects at home, but in the influence which he hath upon states abroad; — that he should be great, even among kings, and by his wisdom and authority be

able so to incline and dispose the affairs of other states and nations, and those great events which fall out in the world, that they shall be for the good of mankind, and for the peculiar advantage of his own people. This is the most glorious and magnificent greatness,— to be able to relieve distressed princes, to support his own friends and allies, to prevent the ambitious designs of other kings; and how much this kingdom hath been impaired in this kind by the late mischievous counsels, your lordships best know, who, at a near distance, and with a more clear sight, do apprehend these public and great affairs than I can do. Yet thus much I dare boldly say, that if his majesty had not with great wisdom and goodness forsaken that way wherein the earl of Strafford had put him, we should, within a short time, have been brought into that miserable condition as to have been useless to our friends, contemptible to our enemies, and incapable of undertaking any great design either at home or abroad.

"A fourth consideration is,— that this arbitrary and tyrannical power which the earl of Strafford did exercise with his own person, and to which he did advise his majesty, is inconsistent with the peace, the wealth, the prosperity of a nation: it is destructive to justice, the mother of peace; to industry, the spring of wealth; to valour, which is the active virtue whereby only the prosperity of a nation can be procured, confirmed, and enlarged. It is not only apt to take away peace, and so intangle the nation with wars, but doth *corrupt peace*, and put such a malignity into it as produceth the effects of war. We need seek no other proofs of this but the earl of Strafford's government; where the Irish, both nobility and others, had as little security of their persons or estates in this peaceable time as if the kingdom had been under the rage and fury of war.

"And as for industry and valour, who will take pains for that which when he hath gotten is not his own? or who fight for that wherein he hath no other interest but such as is subject to the will of another? The an-

cient encouragement to men that were to defend their countries was this, that they were to hazard their person, *pro aris et focis*, for their religion and for their homes. But by this arbitrary way which was practised in Ireland, *and counselled here*, no man had any certainty, either of religion, or of his home, or of any thing else to be his own; and besides this, such arbitrary courses have an ill operation upon the courage of a nation, by embasing the hearts of the people. A servile condition does for the most part beget in men a slavish temper and disposition. Those that live so much under the whip, and the pillory, and such servile engines as were frequently used by the earl of Strafford, they may have the dregs of valour—sullenness, and stubbornness, which may make them prone to mutinies and discontents; but those noble and gallant affections which put men to brave designs and attempts for the preservation or enlargement of a kingdom, they are hardly capable of. SHALL IT BE TREASON TO EMBASE THE KING'S COIN, THOUGH BUT A PIECE OF TWELVEPENCE OR SIXPENCE? AND MUST IT NOT NEEDS BE THE EFFECT OF A GREATER TREASON TO EMBASE THE SPIRIT OF HIS SUBJECTS, AND TO SET UP A STAMP AND CHARACTER OF SERVITUDE UPON THEM, WHEREBY THEY SHALL BE DISABLED TO DO ANYTHING FOR THE SERVICE OF THE KING AND COMMONWEALTH?

"The fifth consideration is this,—that the exercise of this arbitrary government in times of sudden danger, by the invasion of an enemy, will disable his majesty to preserve himself and his subjects from that danger. This is the only pretence by which the earl of Strafford, and such other mischievous counsellors, would induce his majesty to make use of it; and if it be unfit for such an occasion, I know nothing that can be alleged in maintenance of it. When war threatens a kingdom by the coming of a foreign enemy, it is no time then to discontent the people, to make them weary of the present government, and more inclinable to a change. The supplies which are to come in this way will be unready,

uncertain; there can be no assurance of them; no dependence upon them, either for time or proportion. And if some money be gotten in such a way, the distractions, divisions, distempers, which this course is apt to produce, will be more prejudicial to the public safety than the supply can be advantageous to it. *Of this we have had sufficient experience the last summer.*

"The sixth is,— that this crime of subverting the laws, and introducing an arbitrary and tyrannical government, is contrary to the pact and covenant betwixt the king and his people. That which was spoken of before was the legal union of allegiance and protection; this is a personal union, by mutual agreement and stipulation, confirmed by oath on both sides. The king and his people are obliged to one another in the nearest relations. When justice Thorp, in Edward III.'s time, was by the parliament condemned to death for bribery, the reason of that judgment is given, because he had broke the king's oath; not that had broke his own oath, but he had broken the king's oath, that solemn and great obligation which is the security of the whole kingdom. Now, if for a judge to take a small sum in a private cause was adjudged capital, how much greater was this offence, whereby the earl of Strafford hath broken the king's oath in the whole course of his government in Ireland, to the prejudice of so many of his majesty's subjects in their lives, liberties, and estates, and to the danger of all the rest![1] The doctrine of the papists, *fides non est servanda cum hæreticis*, is an abominable doctrine; yet that other tenet, more peculiar to the jesuits, is more pernicious, whereby subjects are discharged from their oath of allegiance to their prince whensoever the pope pleaseth. Now, my

[1] This precedent, by the by, is likely to have been that which was in Sir R. Goodwin's mind when he referred to Pym in Cromwell's parliament of 1658, but I have allowed the speech to stand, which has been attributed to Pym on the ground of its containing a similar precedent, both because of its extraordinarily marked style, which, in the absence of any known author, and in spite of strong opposing evidence, still seems to point to Pym as having had a share in its authorship, and also, because, being a most striking illustration of the times, it is yet excluded from the common parliamentary histories.

lords, this may be added, to make the third no less mischievous and destructive to human society than either of the rest, — that the king is not bound by that oath which he hath taken to observe the laws of the kingdom, but may, when he sees cause, lay taxes and burthens upon them without their consent, contrary to the laws and liberties of the kingdom. This hath been *preached and published* by divers; and this is that which hath been *practised* in Ireland by the earl of Strafford in his government there, *and endeavoured to be brought into England by his counsel here.*

"The seventh is this—it is an offence that is contrary to the end of government. The end of government is to prevent oppressions, to limit and restrain the excessive power and violence of great men, to open the passages of justice with indifferency towards all. This arbitrary power is apt to induce and encourage all kinds of insolences. Another end of the government is to preserve men in their estates, to secure them in their lives and liberties; but if this design had taken effect, and could have been settled in England as it is practised in Ireland, no man would have had more certainty in his own than power would have allowed him. But these two have been spoken of before; there are two behind more important, which have not yet been touched.

"It is the end of government, that virtue should be cherished, vice supprest; but where this arbitrary and unlimited power is set up, a way is open not only for the security, but for the advancement and encouragement of evil. Such men as are apt for the execution and maintenance of this power are only capable of preferment; and others who will not be instruments of any unjust commands, who make a conscience to do nothing against the laws of the kingdom and liberties of the subjects, are not only not passable for employment, but subject to much jealousie and danger. It is the end of government, that all accidents and events, all counsels and designs, should be improved to the public good; but

this arbitrary power is apt to dispose all to the maintenance of itself. The wisdom of the council-table, the authority of the courts of justice, the industry of all the officers of the crown, have been most carefully exercised in this; the learning of our divines, the jurisdiction of our bishops, have been moulded and disposed to the same effect; which, though it were begun before the earl of Strafford's employment, yet hath been exceedingly furthered and advanced by him. Under this colour and pretence of maintaining the king's power and prerogative, many dangerous practices against the peace and safety of the kingdom have been undertaken and promoted. The increase of popery, and the favours and encouragement of papists, have been, and still are, a great grievance and danger to the kingdom. The invocation, in matters of religion, upon usurpations of the clergy, the manifold burthens and taxations upon the people, have been a great cause of our present distempers and disorders; and yet those who have been chief furtherers and actors of such mischiefs have had their credit and authority from this, that they were forward to maintain this power. The earl of Strafford had the first rise of his greatness from this; and in his apology and defence, as your lordships have heard, this hath had a main part.

"The royal power and majesty of kings is only glorious in the prosperity and happiness of the people. The perfection of all things consists in the end for which they were ordained. God only is his own end. All other things have a further end beyond themselves, in attaining whereof their own happiness consists. If the means and the end be set in opposition to one another, it must needs cause an impotency and defect of both."

These extracts carry with them their own praise. They belong indeed to the very highest order of eloquence; they embody the truths of a sound philosophy with the great substantial truths of common sense; and mingle, with a power and purpose that are truly masterly, the great maxims of the old English

constitution with the real interests and general feelings of mankind in every country and under every circumstance.

Pym now turned to certain special excuses and justifications which Strafford had urged in his defence. — "The eighth consideration is, the vanity and absurdity of those excuses and justifications which he made for himself, whereof divers particulars have been mentioned in the course of this defence.

"1. That he is a counsellor, and might not be questioned for any thing which he advised according to his conscience. The ground is true. There is a liberty belongs to counsellors, and nothing corrupts counsels more than fear. He that will have the privilege of a counsellor, however, must keep within the just bounds of a counsellor: those matters are the only proper subjects of counsel which in their times and occasions may be good or beneficial to the king or commonwealth; but such treasons as these — the subversion of the laws, violation of liberties — they can never be good or justifiable by any circumstance or occasion. Therefore his being a counsellor makes his fault much more heinous, as being committed against a greater trust, and in a way of much mischief and danger, lest his majesty's conscience and judgment (upon which the whole course and frame of his government do much depend) should be poisoned and infected with such wicked principles and designs. This lord Strafford hath endeavoured to do, which by all laws, and in all times, hath in this kingdom been reckoned a crime of a high nature.

"2. He labours to interest your lordships in his cause, by alleging it may be dangerous to yourselves and your posterity, who by your birth are fittest to be near his majesty, in places of trust and of authority, if you should be subject to be questioned for matters delivered in council. To this it is to be answered, that it is hoped their lordships will rather labour to secure themselves and their posterity in the exercise of their virtues than of their vices, that so they may, together

with their own honour and greatness, preserve the honour and greatness both of the king and kingdom.

"3. Another excuse is this, that whatsoever he hath spoken, was out of good intention. Sometimes, my lords, good and evil, truth and falsehood, lie so near together, that they are hardly to be distinguished. Matters hurtful and dangerous may be accompanied with such circumstances as may make them appear useful and convenient; and, in all such cases, good intention will justify evil counsel. But where the matters propounded *are evil in their own nature*, such as the matters are wherewith the earl of Strafford is charged, — as to break a publick faith, and to subvert laws and government, — they can never be justified by any intentions, how good soever they be pretended.

"4. He allegeth it was a time of great necessity and danger, when such counsels were necessary for the preservation of the state. Necessity hath been spoken of before, as it relates to the cause; now it is considered as it relates to the person. If there were any necessity, it was of his own making: he, by his evil counsel, had brought the king into a necessity; and by no rules of justice can be allowed to gain this advantage by his own fault, as to make that a ground of his justification which is a great part of his offence.

"5. He hath often insinuated this, that it was for his majesty's service, in maintenance of that sovereign power with which he is intrusted by God for the good of his people. The answer is this, — no doubt but that sovereign power wherewith his majesty is intrusted for the public good hath many glorious effects, the better to enable him thereunto; but without doubt *this is none of them*, that, by his own will, he may lay any tax or imposition upon his people without their consent in parliament. This hath now been five times adjudged by both houses, — in the case of the loans, in condemning commissions of the excise, in the resolution upon the saving clause offered to be added to the petition of right, in the sentence against Manwaring, and

now against Lutell, in condemning the ship-money. And, therefore, if the sovereign power of the king can produce no such effect as this, the allegation of it is an aggravation, and no diminution, of his offence, because thereby he doth labour to interest the king against the just grievance and complaint of the people.

"6. That this counsel was propounded with divers limitations and provisions, for securing and repairing the liberty of the people. This implies a contradiction — to maintain an arbitrary and absolute power, and yet to restrain it with limitations and provisions; for even those limitations and provisions will be subject to the same absolute power, and to be dispensed in such manner, and at such time, as itself shall determine. Let the grievances and oppressions be never so heavy, the subject is left without all remedy, but at his majesty's own pleasure.

"7. He allegeth they were but words, and no effect followed; this needs no answer, but that the miserable distempers into which he hath brought all the three kingdoms will be evidence sufficient that his wicked counsels have had such mischievous effects, within these two or three last years, that many years' peace will hardly repair those losses and other great mischiefs which the commonwealth hath sustained."

Pym now offered his concluding considerations, which, it will be seen, bear emphatic reference to the new course which he had already initiated in the house of commons, of declaring Strafford's treason by the justice of a special enactment.

"The ninth consideration, my lords, is this, — that if this be treason in the nature of it, it doth exceed all other treasons in this, that in the design and endeavour of the author *it was to be a constant and permanent treason.* Other treasons are transient, as being confined within those particular actions and proportions wherein they did consist; and those being past, the treason ceaseth. The powder treason was full of horror and malignity, yet it is past many years since. The murder of that magnanimous and glorious king,

Henry IV. of France, was a great and horrid treason, and so were those manifold attempts against queen Elizabeth, of blessed memory; but they are long since past: the detestation of them only remains in histories, and in the minds of men, and will ever remain. But this treason, if it had taken effect, WAS TO BE A STANDING, PERPETUAL TREASON, WHICH WOULD HAVE BEEN IN CONTINUAL ACT; NOT DETERMINED WITHIN ONE TIME OR AGE, BUT TRANSMITTED TO POSTERITY, EVEN FROM ONE GENERATION TO ANOTHER.

"The last consideration is this,—that as it is a crime odious in the nature of it, so it is odious in the judgment and estimation of the law. To alter the settled frame and constitution of government, is treason in any state. THE LAWS WHEREBY ALL OTHER PARTS OF A KINGDOM ARE PRESERVED WOULD BE VERY VAIN AND DEFECTIVE, IF THEY HAD NOT A POWER TO SECURE AND PRESERVE THEMSELVES."

The orator concluded with these condensed and terrible words: "The forfeitures inflicted for treason, by our law, are of life, honour, and estate, even all that can be forfeited; and *this prisoner* having committed so many treasons, although he should pay all these forfeitures, will be still a debtor to the commonwealth. Nothing can be more equal than that he should perish by the justice of that law which he would have subverted. *Neither will this be a new way of blood.* There are marks enough to trace this law to the very original of this kingdom; and if it hath not been put in execution, as he alledgeth, these 240 years, *it was not for want of law, but that all that time hath not bred a man bold enough to commit such crimes as these!*"

An interesting incident now occurred, which has already been described in this work[1], but which cannot be omitted here. Through the whole of the speech Strafford is described to have been closely and earnestly watching Pym; when the latter suddenly turning, as the above words were spoken, met the fixed and faded

[1] Life of Strafford, p. 398.

eyes and haggard features of his early associate, and a rush of feelings from other days, — so fearfully contrasting the youth and friendship of the past[1] with the love-poisoned hate of the present and the mortal agony impending in the future, — for a moment deprived the patriot of self-possession. "His papers he looked on," says Baillie, "but they could not help him; so he behoved to pass them." For a moment only! Suddenly recovering his dignity and self-command, he told the court that the solicitor-general, St. John, would, on a future day, and "with learning and abilities much better for that service," argue certain points of law before them; and solicited their lordships, for the present, to consider the proceedings closed.

The few eventful weeks of life which still remained to Strafford have already been detailed; but some incidents connected with the plots devised for his rescue, not given before, may now be used in illustration of Pym's character. While the bill of attainder was on its way to the lords[2], Mr. Hyde (lord Clarendon) was sent up to that house with a message stating that the commons apprehended a design for the escape of Strafford, and requesting that the Irish army should be disbanded. Five days after this, and two days after the ill-advised interference of the king[3], a furious mob of upwards of 6000 people, variously armed, thronged round Westminster Hall, clamoured for Strafford's blood, and placarded the names of those members of the commons who, out of a house of 263[4], had voted against the attainder, as "Staffordians, and betrayers of their country." The lords instantly demanded a conference

[1] The expression conveyed in Strafford's look may be felt on reading a few of the touching words which graced his eloquent defence: — "That I am charged with treason by the honourable commons, is my greatest grief it pierces my heart, though not with guilt, yet with sorrow, *that in my grey hairs I should be so misunderstood by the companions of my youth, with whom I have formerly spent so much time.*"

[2] On the 28th of April. [3] See Life of Strafford, p. 399

[4] "The question being then put for passing the bill against the earl, it was carried in the affirmative by 204 against 59 Mr Pym was ordered to carry this bill to the lords, and to express to them 'that it was a bill that highly concerned the commonwealth in the expediting of it'" This was on the 21st of April. — *Old Parl. Hist* vol. ix. pp. 262, 263.

on the subject, and were refused. The commons were at that moment listening, in the deepest agitation, to Pym, whose sleepless vigilance had discovered a formidable and dangerous conspiracy, and was then denouncing it, in all its details, and with the names of all its actors. He discovered to the house various desperate intrigues and dangerous designs, both at home and abroad (referring to France), against the parliament and the people; and especially a plot "to disaffect the army to the parliament," and bring it up from the north, with the king's assent, to overawe their proceedings; also of a design upon the Tower for lord Strafford's escape, and of an intended descent of the French upon Portsmouth in furtherance of these machinations. He stated further, that "persons of eminence about the queen" appeared to be deeply implicated; and moved that his majesty be requested to shut the ports, and to give orders that no person attending on himself, the queen, or the prince, should quit the kingdom without licence of his majesty, by the advice of parliament.[1]

The immediate effects of Pym's speech were very memorable. The commons, who remained sitting on the occasion with locked doors from seven in the morning till eight at night, drew up a "protestation," at last, on Pym's motion[2], "to defend the protestant

[1] Subsequent discoveries have placed us in possession of the exact course and substance of Pym's present disclosures. They are thus shortly summed up in the History from Mackintosh:—"Goring, then a colonel in the army, and Percy, brother of the earl of Northumberland, took the lead in a consultation of officers, held under an oath of secrecy. It originated with sir John Suckling, who was soon thrown aside from distrust of his personal courage. The parliament was to be overawed or dissolved; and, in short, the king rendered absolute, by the sudden march of the army to London. They addressed to the king a petition, which he received and approved, and marked with the initials C. R.: it seriously compromised him. This movement was combined with the escape of Strafford. Balfour, lieutenant of the Tower, was offered by the earl 22,000*l.*, the marriage of Balfour's son to his eldest daughter, and the king's warrant for his indemnity. He received the king's command at the same time to receive captain Billingsley, one of the conspirators, with 100 picked men, into the Tower. Dreading the vengeance of the house of commons, he rejected the bribe, and refused obedience to the military order. The king and queen charged Jermyn, already the queen's favourite, to reconcile the rival pretensions of Goring and Percy, but failed to do so; and Goring disclosed the plot to lord Newark, from whom, through Bedford, Say, and Kimbolton, it reached Pym."

[2] See the speech of Pym, as reported in Clarendon, vol. i. p. 438—441.

church, his majesty's person and power, the privileges of parliament, and the lawful rights and liberties of the people"; which was instantly signed by every member present ("Edward Hyde" is the second name attached to it), subsequently by the members of the house of lords (the catholic peers excepted, and who were in consequence absent during Strafford's attainder), and then circulated, in various copies, for universal signature throughout the kingdom. The sensation thus created was felt everywhere; and the popular leaders took advantage of it to achieve a still more memorable measure. Pym pointed out the nature of the dangers that had threatened them before this discovery, and asked whether they were safer now? The king had listened to and approved a proposal of appealing from the house of commons to a military force. Were they now secure from instant dissolution? and, supposing a dissolution at the present crisis, with a term of three years for prerogative measures against the people, were not the public liberties in danger of being lost for ever? A bill to secure the existence of the present parliament, on which depended every thing, was then named, and fervently welcomed by the house. "A rapid impulse," observes Mr. Hallam[1], "rather than any concerted resolution, appears to have dictated a hardy encroachment on the prerogative. The bill against the dissolution of the present parliament without its own consent was resolved in a committee on the 5th of May[2], brought in the next day, and sent to the lords on the 7th." On the 8th the bill passed. On the same day Strafford's attainder passed also, and both measures were presented to the king.

He at once signed the bill for the continuance of parliament; and Mr. Hallam suggests, that "his ready acquiescence in this bill, far more dangerous than any of those at which he had hitherto demurred, can only be ascribed to his own shame, and the queen's con-

[1] Const. Hist. vol. ii. p. 155.
[2] That is, two days after Pym's discovery of the army plot.

sternation, at the discovery of the late plot." He implored for some delay, however, before signing Strafford's attainder. Nothing could be more vain. The same discovery had also enmeshed him here; for it was already obvious, into such a state had the public mind been thrown, that had the commons even consented to a temporary respite, it must have been in defiance of imminent danger to the kingdom. The bill was signed on the 9th of May; and, on the 12th, Strafford, "the greatest subject in power, and little inferior to any in fortune that was at that time in any of the three kingdoms [1]," suffered on the scaffold.

Such were the instant consequences of Pym's discovery of the army plot; and others, almost equally remarkable, will be noticed hereafter. Lord Clarendon has not failed, therefore, to assail the character of the vigilant patriot on this point; and, treating the real plot as a very trifling affair, charges Pym in his history with having used it only to agitate the public mind, and raise terrifying tumults. Admitting, however, subsequently, that what was really discovered "gave great credit and reputation to Mr. Pym's vigilance and activity," he takes occasion to add, that at this period "Mr. Pym had all tavern and ordinary discourses carried to him;" which only leaves us to regret that the treachery of such men as "Mr. Hyde" should have rendered such vigilance necessary. Notwithstanding all this, nothing is more certain, at least, than that this same "Mr. Hyde" partook of the terrors which Pym excited; since he carried up the first message to the lords, was foremost in the affair of the "protestation," which so effectually roused the country, and, with his friend lord Falkland, managed a sudden conference with the lords respecting the bill for the continuance of parliament. [2] It was only the "earl of Clarendon" who, many years after, found it convenient

[1] Clarendon.

[2] See the Journals. Colepepper, with Falkland, Hyde, and Whitelock, all "moderate men," were equally warm supporters of this very "unconstitutional" measure.

to represent the conspiracy as having been exaggerated for factious purposes; and, notwithstanding the thorough exposure of his falsehoods, carelessness, and disingenuousness by Mr. Brodie and Mr. Hallam [1], he has found a very resolute and ingenious follower in the present day, who yet persists in saying that the only solid mischief of the army plot was worked "by the adroit management of Pym, whose vigorous conceptions could create mighty consequences from slight events, and on whose bold designs now revolved the fate of an empire." [2]

It is now necessary to go back a little. Some few weeks before the death of Strafford, Pym had been specially chosen by the commons to justify the impeachment and detention of Laud, on the occasion of their delivering to the lords the articles that had been prepared against him. The time was well selected, in reference to measures respecting prelacy and the star chamber, then instantly depending; and the speech is not only so remarkable in itself, but so little known, that it claims a place in his memoir.[3] The articles having been read, Pym opened his task with a very striking effect.

"My lords," he said, "there is an expression in the Scripture, which I will not presume either to understand or to interpret; yet, to a vulgar eye, it seems to have an aspect something suitable to the person and cause before you. It is a description of the evill spirits, wherein they are said to be 'spiritual wickednesses in high places." Crimes acted by the spirituall faculties of the soule, the will, and the understanding, exercised about spirituall matters, concerning God's worship and the salvation of man, seconded with power, authority, learning, and many other advantages, doe make the party who commits them very suitable to

[1] Hist of Brit Empire, vol. iii. pp 109—114., note. Const Hist vol. ii. p. 154, note.
[2] D'Israeli's Commentaries, vol. iv. p. 172.
[3] I give the extracts from a small quarto in my possession, printed for Ralph Mabb, 1641.

that description—SPIRITUAL WICKEDNESSES IN HIGH PLACES.

"These crimes, my lords, are various in their nature, haynous in their qualitie, and universall in their extent. If you examine them *theologically*, as they stand in opposition to the trueth of God, they will be found to be against the rule of faith, against the power of godlinesse, against the meanes of salvation. If you examine them *morally*, as they stand in opposition to the light of nature, to right reason, and the principles of humane society, you will then perceive pride without any moderation; even such a pride as that is which 'exalts' itselfe 'above all that is called God.' Malice without any provocation, malice against vertue, against innocency, against pietie! Injustice, without any means of restitution; even such injustice as doeth robbe the present times of their possessions, the future of their possibilities! If they be examined, my lords, by legall rules, in a *civill* way, as they stand in opposition to the publique good, and to the laws of the land, the accused will be found to be a traytour against his majestie's crowne, an incendiary against the peace of the state, the highest, the boldest, the most impudent oppressour, that ever was an oppressour both of king and people.

"This charge, my lords, is distributed and conveyed into fourteene severall articles, as you have heard; and those articles are onely generall: it being the intention of the house of commons (which they have commanded me to declare) to make them more certaine and particular by preparatory examinations, to be taken with the helpe of your lordships' house, as in the case of my lord of Strafford. For the present, I shall runne through them with a light touch, onely marking, in each of them, some speciall points of venome, virulency, and malignity.

"The first article, my lords, doth containe his endeavour to introduce into this kingdome an arbitrary power of government, without any limitations or rules of law. This, my lords, is against the safety of the

king's person, the honour of his crown, and most destructive to his people. Those causes which are most perfect have not onely a power to produce effects, but to conserve and cherish them. The seminary vertue, and the nutritive vertue in vegetables, doe produce from the same principles. It was the defect of justice, the restrayning of oppression and violence, that first brought government into the world, and set up kings, the most excellent way of government; and by the maintenance of justice, all kindes of government receive a sure foundation and establishment. It is this that hath in it an ability to preserve and secure the royall power of kings; yea, to adorn and increase it.

"In the second article, your lordships may observe absolute and unlimited power defended by preaching; by sermons, and other discourses, printed and published upon that subject: and truely, my lords, it seems to be a prodigious crime that the trueth of God, and his holy law, should be perverted to defend the lawlessnesse of man; that the holy and sacred function of the ministery, which was ordained for instruction of men's soules in the wayes of God, should bee so abused that the ministers are become trumpets of sedition, the promoters and defenders of violence and oppression!

"In the third article, my lords, you have the judges, who, under his majestie, are the dispensers and distributors of justice, frequently corrupted by feare and solicitation; you have the course of justice in the execution of it shamefully obstructed; and, if a willful act of injustice in a judge bee so high a crime in the estimate of the law as to deserve death, under what burthen of guilt doth this man lye, who hath beene the cause of great numbers of such voluntary and willful acts of injustice?

"In the fourth article, he will bee found, in his owne person, to have sold justice in causes depending before him; and, by his wicked counsell, endeavouring to make his majestie a merchant of the same commodity: onely with this difference, that the king, by taking

money for places of judicature, should sell it in grosse; whereas the archbishop sold it by retaile.

"In the fifth article, there appeares a power usurped of making canons, and of laying obligations on the subjects in the nature of lawes; while this power is abused to the making of such canons, as are in the matter of them very pernicious, being directly contrary to the prerogative of the king and the liberty of the people. In the manner of pressing of them, may be found fraud and shuffling; in the conclusion, violence and constraint, men being forced by terrour and threatening to subscribe to all: — which power, thus wickedly gotten, has been laboured to be established by perjury, and the injoyning such an oath for the maintenance of it as can neither be taken nor kept with a good conscience.

"In the sixth article, you have the king robbed of his supremacy; you have a papall power exercised over his majestie's subjects, in their consciences and in their persons; you have ecclesiasticall jurisdiction claimed by an incident right, which the law declares to proceed from the crown. *And herein your lordships may observe that those who labour, in civil matters, to set up the king above the lawes of the kingdom, do yet, in ecclesiasticall matters, endeavour to set up themselves above the king.* This was first procured by the archbishop to be extrajudicially declared by the judges, and then to be published in a proclamation. In doing whereof he hath made the king's throne but a footstoole for his owne and their pride.

"You have, my lords, in the seventh article, religion undermined and subverted; you have popery cherished and defended; you have all this seconded with power and violence: by severe punishment upon those which have opposed this mischievous intention, and by subtile and eager persecution, hath the power of ecclesiasticall commissioners, of the starre chamber and councell table, been made subservient to the wicked designe.

"My lords, you may observe, in the eighth article,

great care taken to get into his owne hande the power of nominating to ecclesiastcall livings and promotions. You have as much mischievous, as much wicked care taken in disposing of these preferments, to the hinderance and corruption of religion ; and by this méanes, my lords, it is that the king's sacred majesty, instead of sermons, fit for spirituall instructours, hath often given forth invectives against his people, incouragements to injustice, or to the overthrow of the lawes! Such chaplains have beene brought, indeed, into his owne service, as have as much as may bee laboured to corrupt his owne household, and beene eminent examples of corruption to others; which hath, moreover, so farre prevailed, as that it hath exceedingly tainted the universities, and beene generally disperst through all the chiefe cities, the greatest townes and auditories of the kingdome ; the grievous effects whereof are most manifest to the commons house, there being divers hundred complaints there depending against scandalous ministers, and yet I believe the hundredth part of them not yet brought in.

"The ninth article sets out the like care to have chaplaines of his owne, that might bee promoters of this wicked and trayterous designe ; men of corrupt judgements, of corrupt practice, extreamely addicted to superstition. And to such men's cares hath beene committed the lycensing of bookes to the presse ; by meanes whereof many have beene published that are full of falshood, of scandals ; such as have beene more worthy to be burnt by the hand of the hangman in Smithfield (as I thinke one of them was[1]) than to be admitted to come into the hands of the king's people.

"In the tenth article it will appeare how he, having made these approaches to popery, comes now to close and joyne more neerely with it. Hee confederates with priests and jesuits ; hee, by his instruments, *negotiates with the pope at Rome*[2], and hath correspondence with

[1] An allusion to one of Manwaring's books

[2] The celebrated offer from the court in Italy to make Laud a cardinal,

them that he authorized from Rome here. *He hath permitted a Romane hierarchie to be set up in this kingdom.* And though he hath beene so careful that a poore man could not goe to the neighbour parish to heare a sermon when he had none at home, could not have a sermon repeated nor prayer used in his owne family, but he was a fit subject for the high commission court; yet the other hath been done in all parts of the realme, and no notice taken of it, by any ecclesiasticall judges or courts.

"My lords, you may perceive preaching suppressed in the eleventh article; divers godly and orthodox ministers oppressed in their persons and estates. You have the king's loyall subjects banished out of the kingdome, not as *Elimeleck*, to seeke for bread in forraigne countries by reason of the great scarcity which was in Israel, but travelling abroad for the bread of life because they could not have it at home, by reason of the spirituall famine of God's word caused by this man and his partakers: and, by this meanes, you have had the trade, the manufactory, the industry of many thousands of his majesty's subjects, carried out of the land. It is a miserable abuse of the spirituall keyes, to shut up the doors of heaven, and to open the gates of hell; to let in prophaneness, ignorance, superstition, and errour. I shall need say no more. These things are evident, and abundantly known to all.

"In the twelfth article, my lords, you have a division endeavoured betweene this and the forraigne reformed churches. Now, the church of Christ is one body, and the members of Christ have a mutuall relation, as members of the same body. *Unity with God's true church every where is not onely the beauty, but the strength of religion;* of which beauty and strength he

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and his doubts, hesitation, and final refusal, — "because somewhat dwelt within him which would not suffer that, till Rome was other than it was," — were all recorded in Laud's Diary by his own hand, and are well known. Rome still cherished, in those days, the project of restoring its communion in England.

hath sought to deprive this church, by his manifold attempts to break this union. To which purpose he hath suppressed the priviledges granted to the Dutch and French churches. Hee hath denyed them to be of the same faith and religion with us; and many other wayes hath he declared his malice to those churches.

"In the thirteenth article, as he hath sought to make an ecclesiasticall division, or religious difference between us and forraign nations, so he hath sought to make a civill difference betweene us and his majesty's subjects of the kingdome of Scotland. And this hee hath promoted by many innovations, there prest by himselfe and his owne authority. When they were uncapable of such alterations, he advised his majestie to use violence. He hath made private and publike collections towards the maintenance of that warre; which he might justly call his owne warre. And with an impudent boldnesse, he hath struck tallies in the exchequer for divers sums of money, procured by himselfe, *pro defensione regni*; when, by his counsels, the king was drawne to undertake, not a defensive, but an offensive warre.

"He hath lastly, my lords, thought to secure himselfe and his party, by seeking to undermine parliaments; and thereby hath laboured to bereave this kingdome of the legislative power, which can onely be used in parliaments. We should then have been left a kingdome, without that which, indeed, makes and constitutes a kingdome; and is the onely meane to preserve and restore it from distempers and decayes. He hath hereby endevoured to bereave us of the highest judicatory; such a judicatory as is necessary and essentiall to our government. Some cases cannot be tried in any inferiour court; as divers cases of treason, and others concerning the prerogative of the crowne and liberty of the people. It is the supreame judicatory to which all difficult cases resort from other courts. Thus he hath sought to deprive the king of the love and councell of his people, of that assistance which he might have

from them; and likewise to deprive the people of that reliefe of grievances which they most humbly expect from his majesty.

"My lords, the parliament is the cabinet, wherein the chiefest jewels both of the crowne and kingdome are deposited. The great prerogative of the king, and the liberty of the people, are most effectually exercised and maintained by parliaments. Here, my lords, you cannot passe by this occasion of great thankes to God and his majesty for passing the bill whereby the frequent course of parliaments is established; which, I assure myselfe, he will by experience finde to be a strong foundation both of his honour and of his crowne.

"This is all, my lords, I have to say to the particulars of the charge. The commons desire your lordships that they may have the same way of examination that they had in the case of the earle of Strafford; that is, to examine members of all kindes of your lordships' house and their owne, and others, as they shall see cause. And those examinations to be kept secret and private, that they may with more advantage be made use of, when the matter comes to tryall."

Nothing is more striking in this speech than the utter absence of any thing like sectarian intolerance; and no thing, it will be admitted, after reading this and other evidences of opinion to be adduced hereafter, has been so much misunderstood as the nature and influence of religion on the mind of this great speaker and statesman. It will have been observed, throughout the speech just given, that he restricts himself with singular closeness to the political influence of Laud's administration; that he chooses the plainest and most obvious illustrations of its despotic tendency; and that he employs no language, strong as the temptation would have been to a man of bigoted persuasions, beyond what is simply necessary to carry his positions distinctly home. The leading sentiment through the whole is that of a vigorous and practical statesman. In the exposing Laud's design to set up a "Roman hierarchie"—in the show-

ing the false claim to "ecclesiastical jurisdiction," grounded on "an incident right" which "*the law declares* to proceed from the crowne"—in the stripping bare the pretensions of "those who labour in civill matters to set up the king above the laws of the kingdom, and yet in ecclesiastical matters do endeavour to set up themselves above the king"—we see nothing that is not worthy of the highest order of political capacity, and indeed nothing that has not directly proceeded from it. It is to be supposed, in charity, that all the elaborate accounts in the family histories of the bigotry and intolerance of Pym, and that all the accusations against him of "mysterious jargon" in the religious matters of government, are not the offspring of deliberate falsehood. I have found it difficult even to *find* many of Pym's speeches, and others may have found it equally difficult, or at least inconvenient, to *read* them.

Now, however, once for all, before I proceed to resume the active course of Pym's life, after the death of Strafford, let me interpose some few remarks concerning this "mysterious jargon" which we have heard so much of, from so many various quarters, in reference to the speeches of Pym and the popular leaders of the day. Its utter inapplicability, practically speaking, has been proved already by these pages; but there is a certain question involved in the very circumstance of the charge having having been made at all, which bears a relation to the subject of this memoir, too important to be passed over in silence.

"Mysterious jargon," being translated, means nothing more than a frequent recurrence of the phraseology of Scripture; and to this, in a certain kind and degree, Pym may very proudly plead guilty. Something beyond this, however, is to be said; not in vindication of the practice, for it needs none, but in explanation of the influences it sprang from and of the cause of its so potent and universal action at this period, in the atmosphere of life and thought. This is

never sufficiently kept in view. Every one can think himself privileged to laugh at the too exclusive search after parallelism in the deeds of the Hebrew worthies, indulged by the people generally in Pym's days; but very few have thought it worth while to go sufficiently back to understand the original idea, or movement of the mind, of which these are the vestiges only. The mighty sound is gone — by the mere echo, thunder itself seems no perilous matter.

Revert, however, to the very beginning. It is not my province or intention here to explain, or reason on, but simply to state, the fact; that the fountain of influence, of the great influence in this world, has been the Bible — that book whose first words[1] announce what philosophers have at length agreed to be the one and only truth we are capable of demonstrating, and which one truth seems a fit object, enough to employ, and destined to employ, *life*. In the next place, that book is the history of a certain race; it is meant to be the type of a nation. The nature of the institutions it records is not within my present province to discuss; suffice it to say, that whenever the general intellect of man has grown too large for its institutions, or its tyrannies of habit and custom, it has gone instinctively back to those records to renew its strength, and to take a new course by their direction — as the enfeebled or restless man of civilisation might compare himself from time to time with Plato's original type of man, to ascertain his precise situation. Afterwards Christ came to "fulfil the law;" in other words, to give this type anew in all its freshness. Then the crusades followed; the reformation; the emancipation of mind, and modern freedom of thought; — all of which are to be held, in an inquiry of this kind, as recurrences to the one grand type. The graceful arts, meanwhile, constituted as they are to benefit men, must of course rise or fall with his dignity; and hence a simultaneous influence on these arts has been the effect of these recurrences. This is

[1] IN THE BEGINNING, GOD CREATED THE HEAVEN AND THE EARTH.

not the place to pursue the inquiry in detail; but let the scholar, at his leisure, glance at the progress from Dante through all the changes till Milton — from Giotto and Ghiberti to Michael Angelo, and down again to Poussin; — or advance from the most timid Palestrina and Pergolesi, to the pure and magnificent Hebraism of Handel.

Keeping all this in view,— the nature of the epoch we are considering, and the position of the men, will explain the rest. An attempt appeared to be in progress to check the impulses of the reformation,* when terrible energies sprang from the rebound, and embodied themselves in the Eliots, the Pyms, the Hampdens, and the Vanes; and new passions and emotions were scattered abroad among the people, under the forms of the great original type of power and expression, to check the threatened retreat into bigoted faith and slavish obedience. It is not difficult to follow up to the result. Imagine the great public mind overlaid and opposed by a dissolute and artificial court, consecrated and made plausible in its pretences by a literature growing out of, and adapted to, the most servile court in the world (that of Augustus);—see all thoughts expressing themselves in that literature; testing themselves, their worth, their approvedness, by it only, and running only in such a channel;—and *then* imagine that mind recurring, in unison with the laws I have mentioned, to the old type — bursting forth into the primæval liberty — plunging itself suddenly back among the rich treasures of thought and feeling, disclosed in the translation of the Bible, — the ancient manners revealed! the lessons of the inspired teachers taught again! the days when all were equal contrasted, to the people, with their own! or when, in the midst of the petty kings of Moab and Edom, the free people of Israel, without a king, lived majestically!—imagine all this, and nothing will be wanting to explain the source of the wildest fancies of the time, or the origin of the form which many of the thoughts of the greatest writers and orators assumed

There will be an opportunity of pursuing this into all its relations, when treating of the life and works of Vane. Meanwhile Pym restrained the tendency, while he guided it no less, up to the hour of his death. In himself, in Eliot, and in Hampden, we see the grand development of one of those recurrences to the first idea or type; — the beginning of that movement of mind, of that stride in the progress of man, which had its subsequent consummation in the intellect of Vane. Pym was Vane's first friend; he was his teacher, so to speak; he introduced him into public life.[1]

Every accession, if the term may be used, of originality of thought, brings with it necessarily an accession of a certain originality of style. The one is progressive as the other, with obvious limits and restrictions. The thoughts of Pym's days, assimilating themselves in the grandness of a common object, to the first and intensest ideas of the world, clung also round the simple and sublime language of the earliest ages, and indeed sought and struggled not to be disconnected from the very words last used when God was before his people in the cloud and the flame. But, apart from this natural consequence, where can be found such an oratorical text-book as the Bible? Not, assuredly, in Greece or Rome! Pym availed himself of it with a most admirable taste, no less than the profoundest political purpose. Nothing, indeed, throughout this great man's life is more observable, than that in which it has been most grossly misunderstood — his invariable treatment of religion as an element of political government. Let it always be recollected that, to him, a true political government *was* religion. His was that great capacity in which bad government and good faith, or good government and bigoted faith, could not co-exist. To be free in thought and in act; to secure responsibility in government, and security in the public liberties; was, with him, to set up the true religion in its purity. It was with Pym the practice first began, in these days, of

[1] Strafford Papers, vol. ii.

prosecuting the public measures on the Sabbath itself in certain crises[1]; and no doubt with a view to its profound result on the minds of the people, that, in thus using the very day they were most urgent to free from the desecration of the court, they made, as it were, their business Heaven's own; and "standing in the great hand of God," had become once again his ministers.

All this it was which produced Milton also; whose life and works are a deliberate looking forth into the world and into paradise, and a final choice of the latter. His thoughts ever aspired upwards and upwards to the Hebrew theocracy, beyond "insolent Greece and haughty Rome," and "all that they have left us." In his Paradise Regained, indeed, he has chosen to condense the whole argument in one glorious and triumphant passage. After bringing forward — irresistibly, to all antagonists but one, and that one, himself — the position that

All knowledge is not couch'd in Moses' law,
The Pentateuch, or what the prophets wrote
The Gentiles also know, and write, and teach
To admiration, led by nature's light,
And with the Gentiles much thou must converse —

— after going to the very heart of the argument, and fortifying it by an eulogium on Athens which makes even the greatest work of Sophocles, written professedly to flatter Colonos, his native δῆμος, wholly tame in the comparison, — he calmly and for ever sets the question at rest in that magnificent reply of the Saviour, the conclusion of which is indeed the true "device" of the Pyms and Vanes.

Their Orators thou then extoll'st, as those
The top of eloquence, Statists indeed,
And lovers of their country, as may seem;
But herein to our PROPHETS far beneath,
As men divinely taught, and better teaching
The solid rules of civil government,
In their majestic unaffected style,
Than all the oratory of Greece and Rome.
In them is plainest taught, and easiest learnt,
What makes a nation happy, and keeps it so!

[1] He did this on the occasion of the discovery of Waller's plot, as will be seen shortly.

After the death of Strafford, public affairs advanced to crisis rapidly. The gradual disclosures made under Pym's committee appointed to investigate the recent and still continuing conspiracies against the parliament and people, served to keep the public mind excited and vigilant; special measures were taken for the security of Portsmouth; the queen's confessor and other Roman catholic attendants were dismissed; and her mother, Mary de Medici, who had sought shelter in England from the power of Richelieu, was requested ("the rather, for the quieting of the jealousies in the hearts of his majesty's well-affected subjects, occasioned by some ill instruments about the queen's person") to leave the kingdom. Upon this, Henrietta herself expressed a wish and an intention to leave England, her health requiring her, she said, to take the waters of Spa. That this was not her real purpose, however, was more than suspected by the popular leaders; and Pym conducted certain negotiations on the subject which ended in her majesty's declining the journey. It was supposed, and subsequently rendered almost certain, that Henrietta's motive was to have sought foreign aid against the parliament.[1]

Bills had passed, meanwhile, for the abolition of the court of star chamber, the high commission, the court of York, the court of the Welsh marches; and other horrible engines of the administration of Strafford and

[1] See Rushworth, vol iv p 349, 350; and Parliamentary History The message of the commons after her majesty's compliance with their request, and her answer, are characteristic "That because we understand, by sir Theodore Mayerne, that the chief cause of her majesty's sickness and distempers proceed from some discontent of her mind, the house of commons have thought good to declare, 'that if any thing within the power of parliament may give her majesty contentment, they are so tender of her health, both in due respect to his most excellent majesty and herself, that they will be ready to further her satisfaction in all things, so far as may stand with that public duty to which they are obliged'" Answer "I give many thanks to both houses of parliament, for their great care of my health, and their affection to me, hoping I shall see the effect of it Truly, nothing but my health could have made me to resolve of this journey; and, if I thought I could serve the king and this kingdom with the hazard of my life, I would do it. And I hope you will believe that I have so much interest in the good of this kingdom, that I shall never wish any thing to the prejudice of it. You will pardon the imperfectness of my English. I had rather spoken in any other language; but I thought this would be most acceptable."

Laud; and a subsidy bill was sent with them to the king, to receive the royal assent. The subsidy bill received it at once, while no notice was taken of the others. Charles still madly clung to his old ecclesiastical government, and could not, without heavy pangs, surrender the terrors of the star-chamber. But it fared with this, as with every thing else. While murmurs were not distantly heard throughout the city, and while the commons were in hard and secret debate with closed doors, — the monarch, suddenly alarmed, hurried down to the house of lords, and summoning the commons, and rebuking them for their distrust, gave his assent to both the bills. It was the sad misfortune of this prince to banish every semblance of grace from his concessions. In each and all he never failed to leave a drop of bitterness that was enough to poison the whole. His conduct on the present occasion, betraying what his hope and his will still was, had the effect of driving in the current against church government and the prelacy more strongly and violently than ever. The "root and branch" petition was revived in the house of commons.

The rise and present influence of the republican party in that house, will be described in the life of Vane. It is only necessary to treat of these religious questions, in which they now especially busied themselves, in so far as they strikingly illustrate the political course of Pym, which was, in reality, as decided here, as it was in every other dispute where good government lay on one side and tyranny on the other. It might serve Clarendon's purpose to secure the authority of Pym in favour of his darling episcopacy; but why have modern writers, without his cause to sustain, adopted his errors and misrepresentations? [1]

[1] Lord Nugent says, in his Memorials of Hampden, that "Pym was but a faint supporter of the bill to restrain the bishops from voting, and that, on the further measures for abolishing episcopacy, he was openly opposed to Hampden, Vane, Fiennes," &c. This, as will be shown presently, is an utterly groundless assertion, in so far as the existence of episcopacy was ever brought in question. My former reference to this subject (p. 155.) was in relation to the opinions held by Pym on the ecclesiastical constitution of England, as a human institution.

A vote passed to the effect that the bishops should not sit in parliament, and the grounds of the vote were communicated in a conference to the lords. Their lordships at once resolved the contrary of this vote; not in much love for the bishops, but with no little alarm for themselves. The commons, on this, lost no time in changing their resolution to a bill, which disabled the bishops and clergy from temporal functions. On the third reading, in the upper house[1], the bishops' votes were restored, and the commons, after two conferences, refused to receive the "amended" bill. A memorable result followed. A bolder measure was projected; and a bill for the utter abolishing and taking away of archbishops, bishops, deans, archdeacons, and their officers, out of the church of England, was drawn up by Saint John, and at once introduced. It was *read twice on the day of its introduction*[2], and went into committee on the 11th of June, fifteen days after.

Now mark what Clarendon says on this subject. After observing that on its first introduction "the rejecting it was earnestly urged by very many," and repeating some of the remarks to this effect, the "historian" thus proceeds: — "The bill was at last read, and no question being to be put upon the first reading, *it was laid by*, and not called upon in a long time after.[3] When every body expected that nothing should be mentioned in the house but the dispatch of the treaty of the pacification, they called in a morning 'for the bill' (that had so long before been brought in by sir Edward Dering[4]) 'for the extirpation of episcopacy,' *and gave*

[1] On this, as on every other matter connected with this bill, Clarendon is guilty of the most wilful, or the most grossly inaccurate, error. He says on this, that "the lords could not be prevailed with *so much as to commit the bill*, but at the second reading utterly cast it out."

[2] See Journals of May, 1641, and an admirable remark in Godwin's History of the Commonwealth, vol i p. 61.

[3] Vol i p 418

[4] The only just remark I can find in Clarendon about the whole of this matter, relates to this weak and silly gentleman, to whose hands the bill was injudiciously committed, and who will be heard of soon in a very different character. Clarendon observes, that the popular party "prevailed with sir Edward Dering, a man very opposite to all their designs (but a man of levity and vanity, easily flattered by being commended), to pre-

it a second reading; and resolved 'that it should be committed to a committee of the house, and that it should be proceeded upon the next morning.' It was a very long debate the next morning, after the speaker had left the chair, who should be in the chair for the committee; they who wished well to the bill having resolved 'to put Mr. Hyde into the chair, that he might not give them trouble by frequent speaking, and so too much obstruct the expediting the bill.' In conclusion Mr. Hyde was commanded to the chair; they who were enemies to the bill being divided in opinion; many believing that he would obstruct the bill more in that place than if he remained at liberty, *and they found it to be true. . . The chairman perplexed them very much* [1]; for besides that at the end of his report every day to the house, before the house put the question for the concurrence in the votes, he always enlarged himself against every one of them, and so spent them much time; when they were in the heat and passion of the debate, *he often ensnared them in a question* [2];—so that when he reported to the house the work of the day, *he did frequently report two or three votes directly contrary to each other. . .* After near twenty days spent in that manner, they found themselves very little advanced towards a conclusion, and that they must review all that they had done; and the king being resolved to begin his journey for Scotland, they were forced to discontinue their beloved bill, and let it rest." [3]

Such and so despicable is the self-sketched character of the loyal and religious Clarendon! Setting aside his plain falsehoods in these memorable extracts, what mean and pitiful pettifogger of the law would not feel shame to be set down as a party to the tricks which are here

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sent it to the house; which he did from the gallery, with the two verses in Ovid, the application whereof was his greatest motive.

"Cuncta prius tentanda, sed immedicabile vulnus
Ense recidendum est, ne pars sincera trahatur" Vol i p 416.

[1] These words are introduced for the first time in the recent Oxford edition

[2] These also are restored for the first time.

[3] Vol i. p. 484.

unblushingly, and indeed with a self-satisfied chuckle, described! And what is the worth of the testimony of such a writer on any disputed matter? not to speak of the present, wherein he lent himself to such despicable meanness.

Another extract, from Clarendon's own life, completes the picture he has left of himself at this period. "When Mr. Hyde sat in the chair, in the grand committee of the house for the extirpation of episcopacy, all that party made great court to him, and the house keeping those disorderly hours, and seldom rising till after four of the clock in the afternoon, they frequently importuned him to dine with them *at Mr. Pym's lodgings*, which was at sir Richard Manly's house, in a little court behind Westminster Hall, where he and Mr. Hampden, sir A. Hazlerigg, and two or three more, *upon a stock kept a table, where they transacted much business*, and invited thither those of whose conversation they had any hope." Except in the lively illustration it affords of the party system of the time, this statement is quite as little worth credit as the others, and indeed carries internal evidence of misrepresentation. The same writer, in his history, could say that Pym took no interest in the progress of the anti-episcopacy measure! The truth was, that if he was interested in anything more than that at this particular time, it was in the evident trimming and shuffling of "Mr. Hyde" himself.

Meanwhile, before turning to consider the latter, let me exhibit the feeling of Pym respecting these questions in an unequivocal shape. When, for various reasons, this church bill was temporarily suspended, Pym was the author of a very resolute and decisive measure. Some months before, in the midst of all the threatening aspects of the time, the bishops had exhibited their gross love of tyranny, and their still grosser folly, in enacting a series of canons in convocation, which imposed oaths, introduced innovations, and set aside the laws of the land. Pym now pointed out the propriety of impeaching the thirteen prelates who had been most

active in framing the canons. I will extract the result of this motion from its place in the journals.

"Mr. Pym declared from the house of commons, that there is nothing of greater importance to the safety and good of the kingdom, than that this high court of parliament, which is the fountain of justice and government, should be kept pure and uncorrupted free from partiality and bye respects. This will not only add lustre and reputation, but strength and authority, to all our actions. Herein, he said, your lordships are specially interested, as you are a third estate by inheritance and birthright; so the commons are publicly interested by representation of the whole body of the commons of this kingdom, whose lives, fortunes, and liberties, are deposited under the custody and trust of the parliament.

"He said, the commons have commanded him and his colleague, Mr. Solicitor General, to present to your lordships two propositions, which they thought very necessary to be observed and put in execution at this time. First, that the thirteen bishops, which stand accused before your lordships for making the late pretended canons and constitutions, may be excluded from their votes in parliament. Secondly, that all the bishops may be suspended from their votes upon that bill, entitled, An Act to disable all Persons in Holy Orders to exercise any Jurisdiction or Authority Temporal.

"The first of these was committed to his charge, and he said he would support it with three reasons:— First. That the thirteen bishops have broken that trust to which every member of parliament is obliged; which trust is to maintain, 1. The prerogative of the king.— 2. The privilege of parliaments. — 3. The property of the subject. — 4. The peace of the kingdom. These were the jewels, he said, that are deposed under the trust of parliament; and this trust these prelates had broken, not by one transient act, but by setting up canons in nature of laws to bind the kingdom for ever.

"That the canons are of this nature, appeared by the votes of both houses; and that they were all parties to

the making thereof, appeared by the acts of that synod. The book itself the commons cannot tender to your lordships, because they sent for it, but he that hath the book in custody was out of town; but a member of their own house, upon view of it, is ready to depose, that their names were entered among those that did subscribe to it.

"Wherefore the house of commons desire your lordships, in the first place, to consider, whether *they that take to themselves a legislative power, destructive to parliaments, be fit to exercise that power of making laws, which only belongs to the parliament.*

"Secondly. Whether it be safe for the commonwealth, that they should be trusted with making laws, who, as much as in them lay, have endeavoured to deprive the subject of those good laws which are already made.

"A third reason is this, — That they stand accused of crimes very heinous; that is, of sedition, and of subversion of the laws of the kingdom. This will easily appear in the nature of the canons themselves, as also by the votes to which your lordships and the commons have already agreed. Standing so accused, is it fit that they should have the exercise of so great a thing as the continuing of their votes and places in parliament?"

And, though it occurred some few months after this time, I will here present also Pym's speech at a conference with the lords, on delivering a charge against lord Digby (recently raised to their lordships' house), since it has immediate relation to the same question, is sufficiently explanatory of itself, and is a still more distinct and forcible expression, than any which has yet been given, of the grounds of Pym's opposition to the temporal power and authority of bishops: —

"My lords, the knights, citizens, and burgesses of the house of commons, now assembled in parliament, have commanded me to present to your lordships this information, which they have received against the right honourable George lord Digby, of such dangerous consequence, that, if not prevented, evil and troublesome

events may ensue, to the great hazarding the peace of this kingdom, and the great hinderance of the happy proceedings of this parliament.

"My lords, I humbly crave your patience to declare to your lordships what I am commanded concerning the said information, which is, that he, the said lord Digby, should give forth report, upon reading the late petition and protestation of the twelve bishops, 'that the present parliament was a forced one; and that the acts, votes, and laws that should be enacted therein, without the votes and assents of the bishops, are void and of none effect, and not binding to the subject.'

"My lords, this report is of great danger to the state, if proved against the said lord, in these three respects, as I, under your lordships' favour, conceive. First, it is a great breach of the rights and privileges of parliament; secondly, it intrencheth much on the prerogative of the king, and abridges his royal power; thirdly, it is the first step to bring into this state an arbitrary and tyrannical form of government.

"My lords, it is a breach of the privileges of parliament, for these reasons. It is against the votes of parliamentary proceedings, which ought to be reserved and unquestionable during the free sitting thereof. It is against the late act of parliament, in that case made and provided, for not adjourning or abrupt breaking up of the same. *This act, my lords, was freely voted by both houses; freely and willingly passed by his majesty, without any force or compulsory means used by any, or private working of any of the members of either house to induce his majesty to do the same*: nay, the act was voted as well by the said lord as the rest of this honourable house. This report, therefore, of his must needs be against his knowledge and former free consent in passing that act. Besides, my lords, one privilege of parliament, and that one of the greatest, is to accuse and freely proceed to the punishment of delinquents that have caused the troubles in this state, both in church and commonwealth. Lord Digby's report is against this

privilege, since it opposeth altogether our proceedings against the bishops, accused as the greatest delinquents both in church and state. For, my lords, if the parliament is forced in the absence of the bishops, how may then the parliament proceed lawfully against them? If the bishops sit and have their votes, although delinquents, in parliament, how can we proceed, I beseech you, against their votes? Then, my lords, to redress the grievances of the commonwealth, is a privilege of parliament. This report is against this privilege. How, I pray you, my lords, can our grievances be redressed, when the oppressions, injustice, and vexatious troubling of his majesty's loyal subjects, by the bishops, may not be called in question, nor the misdoers therein prosecuted and punished for the same? Lastly, my lords, under this head, the report is against divers acts of parliament of this kingdom, that have been made without the voice of bishops in parliament, as is on record in the parliamentary rolls. And thus, under favour, I have shewn you how this report is against the privileges of parliament.

"Next, my lords, this report intrencheth on the royal power and prerogative of the king, and that in two respects. It intrencheth on his royal prerogative in making and enacting laws by parliament, it resting only in his power to pass or refuse the votes of parliament. My lords, the king of this realm has the greatest prerogative (to require the counsel and assistance of the whole state upon any occasion whatsoever when it pleaseth him) of any prince in the world, except the king of France. And, under favour, my lords, I conceive a parliament cannot be termed forced, when it is freely called, and willingly continued by the king. I conceive, my lords, a forced parliament is, when, against the free consent of a king and his lords, and without lawful calling by writ, men assemble themselves, and by force of arms sit in council and enact laws not tending to the welfare of the kingdom. The parliament holden in the fourteenth year of the reign of Edward II. was a forced parliament; the

barons coming thither with horse and arms, and compelling the king to pass what they thought proper to have enacted. Moreover, my lords, this report intrencheth on the royal power of the king in making of laws; for, as before I have touched, parliaments have, without bishops, made and enacted laws. By this supposition, my lords, that laws made without bishops are void, bishops, be they never so vile and disaffected to the tranquillity and security of the state, yet must have votes in rectifying and setting in order such things as are amiss in the same — amiss as well by their own procuring as others; a 'rectifying' not then likely to take any good effect. Nay, my lords, it is too apparent *they have been the greatest opposers of our proceedings in this parliament, and the chiefest cause why no more is done.*

"Thirdly and lastly, my lords, this report is the first step to bring in an arbitrary and tyrannical form of government; and that, under favour, for these reasons. Free parliaments are the securest and safest government that ever could be found for this nation; and that in respect of the power and wisdom thereof. It is upholden, defended, and preserved by the whole body of the kingdom; therefore powerful: the members thereof are men elected, one out of ten thousand, by the whole state; therefore esteemed wise. Then to oppose the proceedings thereof, to deny the government thereof, is to change the same; and, if changed to another form (none being so secure, so powerful, and so wise), it must needs be arbitrary, and so tyrannical. Also, my lords, if no laws can be binding to the subject, but such as are voted and assented to by the bishops, *then none can be expected but such as are destructive to the state; their affections being altogether averted from free parliamentary proceedings, and their designs only agitated for the opposing the government thereof:* and we cannot but daily fear the utter confusion of the same thereby.

"Now, my lords, having, to my weak ability, fulfilled the command of the house of commons, in speaking something on this information, I am to desire your

lordships, in their name, that the said George lord Digby may answer the said information, or otherwise be proceeded against as the parliament shall think fit."

I have remarked that Pym had already seen reason to suspect the secession of "Mr. Hyde" from the popular cause. That celebrated person could never have seemed very secure to the sagacious mind of the leader of the party, and he had given forth no unequivocal signs of his feeling and desires, on the already noticed disagreement between the two houses, on the bill to restrain bishops' votes. Beside him, also, were a party of weak, though probably well intentioned men, whom his influence controlled. The danger to the cause would obviously be great, if at this moment, and before the bulwarks so recently obtained for the preservation of the public liberties had been firmly placed, such a desertion as Hyde could effect from the ranks of the popular members, should be suddenly exhibited to the people. Nothing had been more apparent throughout all the concessions wrested from Charles, than that they had only been yielded, subject to a good occasion for reclaiming them. Strafford could not be raised from the dead, and therefore, only, the concession in his case had been harder than in the rest. With a certain semblance of a popular ministry, backed by all the arts of Hyde, and the pretences of half popular measures, the king had yet the power to strike a heavy blow for the old prerogative. Moreover, the house of lords were not to be relied on; and, there was too much reason to fear, in various quarters of the country, some still undiscovered sections of the army-plot. Charles himself was evidently recovering confidence; while, to save the bishops, the universities were moving heaven and earth.[1] The course which was, under such circumstances, proposed by Pym, with a view to avert these dangers, has no parallel for vigour and capacity, no less than a most decisive boldness, even in the records of *his* life.

Charles had warning of it before he departed for Scot-

[1] May's History of the Parliament.

land. Doctor Hacket tells us, in his life of archbishop Williams, that "the bishop, coming to the king, besought his majesty, that for his sake he would put off his Scotch journey to another season. 'Sir,' says he, 'I would it were not true that I shall tell you: some of the commons are preparing a declaration to make the actions of your government odious. If you gallop to Scotland, they will post as fast, to draw up this biting remonstrance. Stir not till you have mitigated the grand contrivers with some preferments.' 'But is this credible?' says the king. 'Judge you of that, sir,' says the bishop, 'when a servant of Pym's *(in whose master's house all this is moulded)* came to me, to know of me in what terms I was contented to leave mine own case in the star chamber exhibited among other irregularities? and I had much ado to keep my name, and what concerns me, out of these quotations; but I contrived that of the fellow, and a promise to do me more service, to know all they have in contrivance, with a few sweetbreads that I gave him out of my purse.' Yet nothing was heeded."[1]

Charles's purpose in this journey was narrowly and jealously watched by the patriots. Many and various reasons had been publicly assigned for it, but the real intention — the double attempts at negotiation with the disbanded officers on the borders, with the covenanters, and with those who had supplied to lord Strafford the forged letter by which Savile strove to implicate Pym and Hampden in treasonous purposes — all this was kept carefully in the back ground. One course remained under these circumstances, and was at once adopted. Commissioners were deputed, nominally, to treat with the Scots concerning the satisfaction of the treaty, but really to thwart and check the king's negotiation with the covenanters, and to report upon them to the parliament. Charles went to Scotland; and at the same time a committee, openly appointed by the votes of both houses, — and consisting of lords Bedford and Howard

[1] Hacket's Scrinia Reserata, part 2. p. 163.

of Escricke, of Hampden, Fiennes, sir Philip Stapleton, and sir William Armyne, — openly followed him. Soon after his departure, the two houses, having respectively appointed committees to sit and act during the recess, and entrusted them with extraordinary powers[1], adjourned over from the 9th of September to the 20th of October. Pym was appointed chairman of the committee of the house of commons.

His fame and influence at this period were unbounded. "I think Mr. Pym was at this time," says lord Clarendon, "the most popular man, and the most able to do hurt, that hath lived in any time." His name was in the mouths of all, whether the residents of palaces or of the "huts where poor men lie." Every nook and corner of the kingdom was pervaded with his influence and renown; and the fiercest hate, or the most unbounded love, were equally his great reward.

It is difficult to ascertain, except on the doubtful authority of his enemies, what his private habits were at this time. It is certain, however, that they were not of the rigid or puritanic sort; any more than his opinions were those of the puritans. The quaint doctor Hacket describes him, in his peculiar style, as "*homo ex argillâ, et luto factus epicuræo*, as Tully said of Piso — that is, in christian English, a painted sepulchre, a belly-god"[2]; and the royalist songs, while they charge him in still plainer terms with having been warmly devoted to Bacchus and Ceres, have left us to conclude that in other matters his habits were by no means constrained.[3] It is not my duty here to enlarge on a point of this kind, which I have already perhaps sufficiently adverted to[4], nor would a mention of such statements, drawn as they are from the political lampoons of the time, have been worth giving at all, were it not that graver authorities have seemed to bear them

1 See the instructions, Old Parl Hist. vol. ix. p 537.
2 Scrinia Reserata, part 2. p. 150, 151.
3 See some extracts from a curious satire of the time, in appendix B.
4 Life of Strafford, p. 281, 282.

out. With such authority, even fugitive ballads, poignant with the bitterness of the hour so long passed away, are not among the despicable materials of history; and to me, as illustrations of the fugitive aspects of character, catching, as they recede for ever, the glancing points of personal manners, they have seemed most valuable. What remains to be said rests on the authority of sir Philip Warwick, a "grave writer," though a royalist, as even Mr. Godwin admits; and certainly a very honourable man.

The famous Lucy Percy, countess of Carlisle, now a beautiful dowager of about forty, had been for some years "entirely devoted" to Strafford; when, upon the death of her favourite, she suddenly transferred her affections to Pym; and from this time, it is certain — the countess still preserving appearances at court — the interior of Whitehall was always better known to the patriot, than that of the house of commons to the king.

The character of such a woman needs some explanation. Warburton calls her the "Erynnis" of her time, but without just authority. Her passions were certainly not extreme. The reader who is startled at the apparent contradictions of her life, has not read rightly sir Toby Mathew's description of her character.[1] "She is of too high a mind and dignity, not only to seek, but almost to wish, the friendship of any creature; they whom she is pleased to choose, *are such as are of the most eminent condition, both for power and employments;* not with any design towards her own particular, either of advantage or cur'os'ty; *but her nature values fortunate persons* . . . She prefers the conversation of men to that of women; not but she can talk on the fashions with her female friends, but she is too soon sensible that she can set them as she wills; that pre-eminence shortens all equality. She converses with those who are most distinguished for their conversational powers. . . Of love freely will she discourse; listen to all its faults, and mark all its power. . . She cannot

[1] See Mathew's Letters, or the notes to Fenton's edition of Waller.

erself love in earnest, but she will play with love . . . *and will take a deep interest for persons of condition and celebrity.*"

What wonder, then, if, on the fall of Strafford, and the sudden and most brilliant rise of Pym's fame, we find the grave sir Philip Warwick playing the part of the scandalous chronicle, and announcing that "master Pym" had succeeded to the situation of the earl of Strafford in the affections of my lady Carlisle?[1] How much of politics there may have been in Pym's love, or how much love in his politics, the reader must determine. As the fact has been stated, it is presented to him, with a commentary, from sir Toby Mathew, which seems to render it by no means improbable, on the part of the lady at least. The wonder remains of how "master Pym" could find leisure, in the midst of his wonderful and unwearied public labours, for such affairs of practical gallantry as this, and others charged upon him. For the imputation of Hacket, it may remain as he has made it. "Voluptuous and wise withal," the great patriot may have been; and, undoubtedly, the portly and well-dressed person, represented in the various engravings circulated at this period[1], as the "true effigies of the burgess for Tavistocke;" the open and intelligent face, so resolute and yet so quiet; the long hair flung negligently back from the lofty and deep-thoughted forehead; the full moustaches upon the upper lip, and the neat arrangement of the peaked beard and dress below; present altogether such a picture as may be willingly received of Pym, — neither inconsistent with the extraordinary intellect which every one conceded to him, nor bidding absolute defiance to the royalist slanders.

Of Pym's movements during this short recess of parliament, and generally before the king's return from Scotland, I have been fortunate in obtaining somewhat

[1] See sir P. Warwick's Memoirs, p. 204.

[2] Several may be seen in the collection at the British Museum: that by Edward Bower is the best, and I allude to it in the text.

curious intelligence (not noticed sufficiently by the histories) in the correspondence of Evelyn. Sir Edward Nicholas, who succeeded Windebanke in the office of secretary of state, had it left to him in charge by the king, before his departure, to furnish diligent information of what was going on in London; and the letters in which this was done, noted and answered in the margin by Charles and posted back to the writer, ultimately fell into Evelyn's hands. These shall now be used in illustration of some striking aud disputed historical passages, and of some certain personal details.

The day after the adjournment, Nicholas wrote to Charles a long account of a consoling hope he had, that there were decided differences to be now expected between the two houses; upon which the king remarks, that he is "not much sorrie for it."[1] In another letter, under date of the 27th of September, mention is made to Charles of a certain paper, the contents of which are not named, but which he says the lady Carlisle had given to the queen, saying, "*she had it from the lord Mandeville.*" Taken in connection with this, the following is very curious: "I heare," continues Nicholas, "*there are diverse meetings at Chelsey att ye lo. Mandeville-house* and elsewhere, *by Pym* and others, to consult what is best to be done at their next meeting in parliament." Whereupon is this remark by the king: "It were not amiss that some of my servants met lykwise to countermynd *their plots*, to w'ch end *speake w'th my wyfe, and receive her directions.*"[2]

This lord Mandeville is better known by the title of his barony, Kimbolton, in right of which he was a about this period called up to the house of lords. He now lived at Chelsea, and Pym had taken lodgings near

[1] Evelyn's Memoirs, vol. ii. part 2. p. 18. quarto ed. 1819. In the two following letters, there are some curious particulars respecting the crown jewels, with injunctions to peculiar secrecy, which are not a little significant of the king's purposes at this time P. 21—23

[2] In a subsequent letter, Nicholas tells the king, that he had communicated respecting all this with her majestie, but that she "saith, that cannot be done in your majestie's absence." Charles answers: "I confess, not so well; but yet so much as may do much good: therefore, be diligent in it." P. 54.

him. The meetings alluded to in the above extracts, the presence of lady Carlisle, the temper of the king, and his anxiety for a "plot" of his own, and the graphic touch with which his majesty's note concludes, are worth rescuing from the secret records of the time. In none of the correspondences do Henrietta's intrigues, and the king's subjection [1], appear more manifest, than in this of sir Edward Nicholas. My next extracts will prove her distinct participation, and also that of the king, in Goring's army plot.

In this plot sir John Berkeley, afterwards governor of Exeter, and captain O'Neale, were deeply implicated. [2] Under date of the 29th of September, Nicholas writes to the king: "Yesterday at Oatlands I understood that sir Jo. Berkely and capt. O'Neale were come over, *and that they had been the day before privatdy at Weybridge:* I was bould then *to deliver my opinion to the queene,* that I did believe, if they continued in England, they would be arrested [by Pym]. Her majesty seemed (when I tould it her) to app^ehend no lesse, *and will, I believe, take order that notice may be given to them of y^t danger.*" In a letter of the 5th of October, he adds: "The commons committee met, and had before them sir Jo. Berkeley and capt. O'Neale, who were (as I heare) yesterday apprehended by the servant of the serjeant att arms."[3] Here the king remarks — "*I hope some day they may repent their severitie;*" and at the close of the letter, Nicholas having told him of the jocund cheerfulness of Pym and his friends, Charles subjoins, "*I believe, before all be done, that they will not*

[1] See a curious marginal note by Charles, at p. 22.

[2] See May's History.

[3] Pym's own report of this affair, delivered on the reassembling of parliament, differs from this. He said: — "Next *there came to me, to my lodgings at Chelsea,* sir John Berkeley and serjeant major O'Neal; who said they heard they were accused, and had rashly withdrawn themselves; but, upon better consideration, they were returned to submit to the pleasure of the house. I thought it my duty to make some privy-counsellor acquainted therewith: whereupon I went to my lord Willmot with them, who undertook they should attend the committee the next sitting; which they did accordingly: and in pursuance of the order and warrant of the house for the apprehending of them, they were both attached by the serjeant's deputy. So the house may be pleased to send for them, and to do therein as they see cause." Parl Hist. vol. x. p. 5.

have such great cause of joy." Again: — Nicholas having written in his next letter, "Mr. Pym reports that the earl of Arguile is chancellor of that kindom (Scotland);" Charles affixes to the passage these significant words: "You may see by this *that all his designes hit not; and I hope, before all be done, that he shall miss of more.*" And in the dispatch following this, the secretary having implored the immediate return of the king, saying, that "if your majestie doe not hasten to be here some dayes before y[e] next meeting in parliament, I doubt there will be few that will dare to appeare here to oppose y[e] party that now swayeth;" Charles answered: "Though I cannot return so soon as I could wishe, yet I am confident that *you will finde there was necessitie for it, and I hope that manie will misse of their ends.*"

No one, in the slightest degree acquainted with the character of Charles, and with the peculiar intrigues he was at this very period carrying on in Scotland, will hesitate to attach sufficient meaning to these covert threats against Pym and the popular leaders. There had never been a time in which greater danger threatened the people's cause than now; never was there a time—looking at the daily defections within the house of the commons, at the falling-off of the lords without, at the rotten condition of the army, and the notorious and well-proved perfidy of the king — wherein a greater necessity existed for some grand appeal to the people, not simply to save the freedom of parliament, but even the lives of its most illustrious members; not simply to secure the permanence of those provisions which had been achieved for the public liberty, but even to ward off the substitution of a naked despotism. Pym and Hampden acted with a perfect knowledge of these things, then, far beyond our imperfect surmise now.

Parliament reassembled, after the recess, on the day to which it stood adjourned, the 20th of October. In an able and lucid statement [1], Pym reported the pro-

[1] See Parl. Hist. vol. x. p. 1—6.

ceedings of the committee during the recess. While yet engaged upon this duty, news arrived in London of that celebrated occurrence at Edinburgh which is well known in history by the name of the "Incident." Through all the mystery which yet enwraps this affair, one thing is not denied; that Charles received from Montrose his project of assassination, and, having received it, continued Montrose in his service and confidence. Montrose had indeed established a lasting hold upon Charles's favour, by the proposition he coupled with his scheme of assassination — to cut off the English leaders by the milder, but not less certain, course of law, on evidence of a "treasonable correspondence" with the Scottish army. The king's every thought now bore upon the latter scheme: he had entered Scotland with a view to conciliate the covenanters, in the vain hope of effecting it in that way; failing of this, he concerted with Montrose to trample upon the covenant, only with a view to the same end. Pym, Hampden, and the rest struck down, the world of despotism would be once again before him, where to choose!

But with the news of the "incident," letters from Hampden, still in Edinburgh with the committee, were placed in Pym's hands. Their contents may be surmised from the fact that Pym instantly proposed and conducted a conference with the lords, "concerning the security of the kingdom and parliament[1];" denounced again a branch conspiracy in London; and demanded that all the military posts of the city should be occupied with a strong force. This was at once acceded to, and, besides this, the Westminster train-bands were brought up to guard the houses of parliament by night as well as day.[2]

Secretary Nicholas, deeply alarmed, wrote to the king, "It is thought that this business will be declared to be a greater plot against the kingdome and parliam^ts^ in Eng: and Scotl: than hath been discovered

[1] See Rushworth, vol. iv p. 390.
[2] Rushworth, vol. iv. p. 392.

at all. *There have beene some well-affected parliament-men here with me this morning,* to know whether I had any relac'on of that business; but finding I had none, *they seemed much troubled, as not knowing what to say to it.*" To this the king answers with cautious reserve. In a subsequent letter Nicholas mentions the sudden introduction of another bill for abolishing the temporal functions of the bishops, accompanying it with a remark, that "it is said to be against y^e antient order of p'liam^t to bring in a bill againe y^e same sessions that it was rejected;" whereupon the king eagerly seizes this objection, and orders Nicholas to "bid his servants make as much use of it as may be." [1]

They did so, and were foiled by Pym. His great object at this time was to weaken the powers of mischief in the upper house; and finding that his impeachment against the thirteen bishops on the ground of their share in the recent canons must be quashed, on some points of informality (the lords had already admitted their demurrer), he counselled the re-introduction of the first bill against the bishops, as a temporary compromise for a great ultimate gain. I will describe the result in Clarendon's words, as recently restored [2]: "Mr. Pym and his party found that they were so far from having gotten credit by their angry bill against the church for the extirpation of bishops, that they had lost ground in the attempt; and therefore they seemed to decline any farther thought of such a violent proceeding, and to have more moderate inclinations; — and so, one morning, they brought in and desired to have a bill read for the taking away the votes of the bishops out of the house of peers, no otherwise differing from the former, than it was shorter. It was opposed by many, that it should be received or read; for it was a known rule of the house, that a bill rejected could not be brought again into the house during the same session, which was an order that had never been known to be

[1] Evelyn, vol ii. part 2. p. 45.
[2] Oxford ed. of 1826, vol ii. p. 75, 76., note

violated: which Mr. Pym confessed; but said, '*that our orders were not like the laws of the Medes and Persians, not to be altered, but that they were in our own power;* and that the receiving this bill, since it was in our power, was very necessary, and would quiet the minds of many, who, it may be, would be contented with the passing this bill, who would otherwise be importunate for more violent remedies; and that there was reason to believe, that the lords, who had rejected the former bill, were very sorry for it, and would give this a better reception: and if they did not, it would meet with the same fate the other had done, and we should have the satisfaction of having discharged our own consciences.' The content many men had, to see the former violence declined, and more moderate counsels pursued, prevailed so far, that the bill was received, and read; and the same reasons, with some subsequent actions and accidents, prevailed afterwards for the passing it in the house of commons, though it received a greater opposition than it had done formerly. And the lord Faulkland then concurring with his friend Mr. Hyde in the opposing it, Mr. Hampden [1] said, that he was sorry to find a noble lord had changed his opinion, since the time the last bill to this purpose had passed the house; for he then thought it a good bill, but now he thought this an ill one. To which the lord Faulkland presently replied, that he had been persuaded at that time, by that worthy gentleman, to believe many things, which he had since found to be untrue; and therefore *he had changed his opinion in many particulars, as well as to things as persons.*"

Very true and candid was this, but not very startling, since Pym and Hampden knew it well already; and "Mr. Hyde" had taken good care that, by this time, the king should know it too. "I may not forbeare to let your ma[tie] know," wrote sir Edward Nicholas, under date of the 29th of October, "that the lo. Falkland, s[r] Jo. Strangwishe [Strangeways], Mr. Waller, Mr. Ed.

[1] Hampden had returned from Scotland some few days before.

Hyde, and Mr. Holborne have lately stood as champions in maintenance of your prerogative, whereof y^r^ ma^tie^ shall doe well *to take some notice* (as yo^r^ ma^tie^ shall thinke best) *for their encouragement.*" The king answered, eagerly and earnestly, "I command you to doe it in my name, *telling them that I will doe it myselfe at my returne.*" From the date of this correspondence, at least, these men were retained on behalf of Charles. But Pym watched them more and more narrowly as the great struggle drew nigh.

News of the Irish rebellion and massacre now burst upon London. Following so closely upon the Scottish "incident," and coupled with the evidence of still more striking circumstances against the king, this shocking event increased to a fearful degree the prevailing excitement. The cold and laconic remark of Charles to sir Edward Nicholas, respecting it, has not been noticed. "I hope," he merely wrote, "I hope this ill newes of Ireland *may hinder some of theas follies in England.*"[1]

The "follies," and their authors, only moved more resolutely forward. A petition had been in agitation for some time in the lower house, "to be presented" (I quote sir Edward Nicholas's description) "to yo^r^ ma^tie^, to receave the parliament's approbation of such officers, councillors, &c. as yo^r^ majtie shall choose, for better prevenc'on of the great and many mischiefs that may befall y^e^ commonwealthe, by y^e^ choice of ill councillors, officers, amb'dors, and ministers of state." Nothing could exceed the king's alarm at this proposed measure, or the earnestness of his commands, that it should by some means or other be "stopp'd." Hyde and Falkland, as may naturally be supposed, with their present prospects, opposed it bitterly, step by step; but Pym and Hampden actively urged it on. At last, on the 10th of November, according to the lords' journals, Pym appeared, at the head of the commons, in conference with the upper house, and proceeded to explain to their lordships the several steps, as they are there

[1] Evelyn, part 2. vol. ii. p. 45.

called, by which evil counsels had wrought such danger to the kingdom, and demanded remedy so loudly.

" First. That the dangers which come to the state by ill counsels are the most pernicious of all others. Since it is usual to compare politick bodies with natural — the natural body is in danger divers ways: either by outward violence, that may be foreseen or prevented; or else, by less appearing maladies, such as grow upon the body by distempers of the air, immoderate exercise, or diet; and when the causes of the disease are thus clear, the remedy is easily applied; but diseases which proceed from the inward parts or the more noble parts, — it is a hard thing to apply a cure to such diseases. Ill counsels are of that nature; for the mischiefs that come by evil counsel corrupt the vital parts, and overthrow the public government.

" Secondly. That there have been lately, and still are, ill counsels in this kingdom, and about the king. That there have been lately, you will not doubt, when the main course of the government hath been so employed, as popery thereby hath been maintained, the laws subverted, and no distinction kept between justice and injustice; and that there are ill counsels still, is apparent by the courses taken to advance mischievous designs: his majesty's wisdom and goodness kept them from his heart, tho' they were not kept out of his courts. So most principal and mischievous designs have been practised by such as had near access unto his majesty, tho' not to his heart, and the apologists and promoters of ill counsels are still preferred."

The singular and grave caution of these distinctions, is not the least remarkable characteristic of Pym. No man could so thoroughly keep within the nice bounds of parliamentary phrase, while urging the bitterest things.

" Thirdly. The ill counsels of this time are in their own nature more mischievous and more dangerous than the ill counsels of former times: former counsels have been to please kings in their vices, from which our king is free; and sometimes for racking of the

prerogative. If it had gone no further, it had brought many miseries, but not ruin and destruction. But the ill counsels of this time are destructive to religion and laws, by altering them both; and therefore more mischievous in their own nature than those of former times.

"Fourthly. That these ill counsels have proceeded from a spirit and inclination to popery; and have had a dependence on popery; and all of them tend to it. The religion of the papists is a religion incompatible with any other religion; destructive to all others, and not enduring any thing that opposeth it. Whosoever doth withstand their religion, if they have power, they bring them to ruin. There are other religions that are not right, but not so destructive as popery; for the principles of popery are destructive of all states and persons that oppose it. With the progress of this mischievous system of evil counsel they provide counsellors, fit instruments and organs, that may execute their own designs; and so turn all counsels to their own ends. You find now, in Ireland, that those designs, *that have been upon all the three kingdoms*, do end in a war for the maintenance of popery in Ireland. They would do the like here if they were able; so intent are they to turn all to their own advantage.

"Fifthly. That unless these ill counsels be changed, it is impossible that any assistance, aid, or advice, that the parliament can take to reform, will be effectual; for the public orders and laws are but dead, if not put in execution. Those that are the ministers of state put things into action; but if acted by evil men, and while these counsels are on foot, we can expect no good. *It is like a disease that turns nutritives into poison.*

"Sixthly. That this is the most proper time to desire of his majesty the alteration and change of the evil counsellors, because the commonwealth is brought into distemper by them, and so exhausted that we can endure no longer. Another reason why we cannot admit of them is, to shew our love and fidelity to th king in great and extraordinary contributions and aids. When

God doth employ his servants, he doth give some promise to rouse up their spirits; and we have reason now to expect the king's grace in great abundance. This is the time wherein the subjects are to save the kingdom of Ireland, with the hazard of their lives and fortunes; and therefore expect it from his majesty in a more large and bountiful manner than at other times. This is a time of great agitation and action, when other states being ready, by preparation, to annoy us, ill and false counsels at home may quickly bring us to ruin. As we have weakness at home, so we ought to discern the actions abroad, where great provisions are made; and a carelessness and improvidence herein, when our neighbours are so provided, and have great fleets at sea, will open a way to sudden ruin and destruction, before we can be prepared; and therefore it is now the fittest time to move the king.

"Seventhly and lastly. That this alteration of counsels will bring great advantages to the king in his own designs. In all our actions, our prayers to God should be, that his name may be glorified; so our petitions to his majesty should bring honour, profit, and advantage to him, by a discouragement to the rebels; a great part of their confidence resting in the evil counsels at home, as by the examinations appeareth. It will be a great encouragement to the king's good subjects at home, who hazard their lives, and give aid and contribution, to have things governed for the public good. *It will make men afraid to prefer servants to the king that are ill counsellors,* when they shall come to the examination of the parliament; for many times servants are preferred to princes for the advantage of foreign states. This will put an answer into the king's mouth against all importunities, that he is to prefer none, but such as will be approved of by parliament. Those that are honourable and most ingenuous are aptest to be troubled in this kind, and not to deny: therefore the king may answer, 'He hath promised his parliament not to admit of any, but by advice of parliament.' This will silence them all. These are domestick advantages; but it will also

make us fitter to enter into union and treaty with foreign nations and states, and to be made partakers of the strength and assistance of others; it will fortify us against the designs of foreign princes. There hath been one common counsel at Rome and in Spain, to reduce us to popery; if good counsel at home, we shall be the better prepared to preserve peace and union, and better respect from Ireland. It will also make us fit for any noble design abroad."

Secretary Nicholas, after describing to the king the effect of this grave and condensed statement, adds:—"Yo^{r} ma^{tie} may perceave of what extreame necessitie and importance yo^{r} ma$^{tie's}$ speedy returne is, w^{ch} I beseech y^{r} ma^{tie} by all meanes to hasten." Its effect in other quarters was like to have proved of immediate personal danger to Pym. Some few days after, he entered the house with an open letter in his hand, and told the speaker that he had just received a letter from a porter at the door of the house, and that, upon the opening of it, a covering which had come from a plague wound[1] dropped out of it, and that the letter itself contained many menaces, and much railing against him. The porter, being examined, said, "a gentleman on horseback, in a grey coat, gave him twelve pence for the speedy delivery of it." "Whatever the matter was," observes Nalson, "it made a mighty noise both in the house and out of the house, in the city and country; for Mr. Pym was then one of the greatest idols of the faction. All the art imaginable was used to find out the author of this dangerous attempt to infect Mr. Pym with the plague, but to no purpose." In a curious pamphlet published four days after Pym's death, and called "A short View of his Life and Actions[2]," I find a literal copy of this letter, superscribed "To my honoured friend John Pym, esquire," and in-written thus:—"Master Pym, do not think that a guard of men can protect you, if you persist in your courses and

[1] The plague still lingered in various places in and about London.
[2] See No 135. of King's Pamphlets, Brit. Mus.

wicked designes. I have sent a paper messenger to you, and if this do not touch your heart, a dagger shall, so soon as I am recovered of my plague. In the mean time, you may be forborn, because no better man may be indangered for you. Repent, traitour." In the same pamphlet it is said, that soon after this occurrence a gentleman, "mistaken for Mr. Pym," was stabbed in Westminster Hall, by a ruffian who escaped; so that it is probable the amiable letter-writer kept his word!

Nor was this all. Sir Edward Nicholas, in the same letter which details the above attempts to the king, adds, that "on Monday last, in ye evening, another as desperate and dangerous a conspiracy against Mr. Pym was discovered by a poor zealous taylor." And by other conspiracies besides these against his life [1], were the public virtues and services of this great person acknowledged and sought to be repaid. A series of harassing suits were commenced against him, with a view to deprive him, if possible, of his parliamentary privilege, till at last, so eagerly were they followed, the house itself thought fit to interfere, and protect him by a special order.[2]

It was a vain persuasion that by such means as these the spirit of Pym could be broken or subdued. It rose to its duties with greater resolvedness; and in a subsequent conference with the lords, who still held back from any thing like willing co-operation, he suddenly threw out a very plain, and very memorable warning, which produced a deep impression at the time, and had, no doubt, the practical effect its author intended; since, while it brought the divisions that now, under the management of Hyde and his friends, dis-

[1] Clarendon alludes to them with his usual want of ingenuousness. "Men being thus disquieted, and knowing little, and so doubting much; every day seemed to them to produce a new discovery, of some new treason and plot against the kingdom. One day, "a letter from beyond seas, of great forces prepared to invade England;" another, of some attempt upon the life of Mr. Pym." Vol. ii p 24.

[2] "It was this day ordered, that Mr Pym being sued for tythe wood, shall have the priviledge of parliament, and that Lewis Lushford and others, the solicitor and attorney on the other side, be hereby enjoyned to forbear to prosecute, or further to proceed in that suit, or any other that concerns the said Mr. Pym." (*Nalson's Collections*, vol. ii. p. 393)

tracted the commons themselves, to what might be called the extreme point of difference; it settled also the terms of the struggle, and the conditions of the victory, in the great party contest now instantly impending. When a great fight is to be fought for great results, it is better to take up position upon an extreme ground of certain and defined principle, than on the half covered way of policy. Pym recommended the upper house to consider that "the commons were the representative body of the whole kingdom, while their lordships were but as particular persons, and present in parliament in a particular capacity."[1] The trimmers shrank from his side at this; but the trimmers were held of little value by Pym and Hampden.

On the 22d of November their great measure was presented to the house by Pym[2]—their final appeal to the nation on behalf of liberty against despotism—the Grand Remonstrance on the state of the kingdom. It was a "severely elaborate" review of Charles's misgovernment in church and state, from the commencement of his reign; it summed up all the grievances under which the people had suffered in language of great energy and power; and it pointed out the redress already achieved, and what still remained to be done. Great securities for the people were yet to be struggled for; and the patriots, in directing their present appeal emphatically to the people, exercised a wise and just policy of enlightening them, and guiding them to the future, by severe reference and warning to the past. By other means their object must have failed of accomplishment. They did not scruple to declare, frankly, "that without a seasonable care to disappoint some councils still entertained, all the good acts which they had obtained were in danger of being lost." And stronger and plainer than this was

[1] Nalson's Collections, vol ii p 712.

[2] Clarendon's History, vol ii. p 606 —restored text. His words, though they convey a misrepresentation, are striking:—"On Monday, the 22d of November (the king being within two miles of London), Mr Pym brought in the remonstrance, which was read, *having no direction to the king, or mention of the house of peers, but being a plain declaration from the house of commons to the people.*"

their allusion to the lords; that they had no hope of settling the kingdom's distractions, for want of a concurrence on the part of the upper house.

"What can we the commons do," said the words of the remonstrance itself, "without the conjunction of the house of lords? And what conjunction can we expect there, where the bishops and recusant lords are so numerous and prevalent, that they are able to cross and interrupt our best endeavours for reformation? They have already hindred the proceedings of divers good bills, passed in the commons' house, concerning the reformation of sundry great abuses and corruptions both in church and state." One passage, memorable for its effect upon the people, will illustrate the tone and purpose of the statement of grievances. Referring to the dissolution of the third parliament, the remonstrants proceed: — "The privileges of parliament broken, by imprisoning divers members of the house, detaining them close prisoners for many months together, without the liberty of using books, pen, ink, or paper; denying them all the comforts of life, all means of preservation of health, not permitting their wives to come unto them, even in time of the irsickness; and, for the compleating of that cruelty, after years spent in such miserable durance, depriving them of the necessary means of spiritual consolation, not suffering them to go abroad to enjoy God's ordinances, in God's house, or God's ministers to come to them, to administer comfort unto them in their private chambers; and, to keep them still in this oppressed condition, not admitting them to be bailed according to law, yet vexing them with informations in inferior courts; sentencing and fining some of them for matters done in parliament, and extorting the payments of those fines from them; enforcing others to put in security for good behaviour, before they could be released. The imprisonment of the rest, who refused to be bound, still continued (which might have been perpetual, if necessity had not, the last year, brought another parliament to relieve them), *of whom one (sir John Eliot) died by the cruelty and harshness of his imprisonment, which*

would admit of no relaxation, notwithstanding the imminent danger of his life did sufficiently appear by the declaration of his physician; and his release, or at least his refreshment, was sought by many humble petitions. AND HIS BLOOD STILL CRIES FOR VENGEANCE! or repentance of those ministers of state, who at once obstructed the course both of his majesty's justice and mercy!" The document closed with a general petition that the bishops should be deprived of their votes, and that none should be entrusted with the public affairs whom the parliament might not approve of.

A violent and long debate arose on its introduction. The house had commenced its sitting at eight o'clock in the morning; at twelve at noon the debate commenced; at twelve at midnight the remonstrance was carried by a majority of eleven. Hampden then openly disclosed the purpose of the remonstrants by moving that the remonstrance should be printed. Hyde opposed this with a counter motion; denied the right of the house of commons to print any thing without the concurrence of the peers [1], (!) and asserted for himself the right of protesting against the vote of the majority. In this he was joined by several members, and a desperate effort was made to enter a formal protest of the minority against the decision of the house. The conflict of voices and of passions became tremendous, and bloodshed, sir Philip Warwick says, was like to have ensued. "We had catched at each other's locks, and sheathed our swords in each other's bowels, had not the sagacity and great calmness of Mr. Hampden, by a short speech, prevented it, and led us to defer our angry debate until the next morning." Meanwhile, at about two o'clock, Hampden's motion for the printing had been carried; and now, at three in the morning, the house adjourned.

Clarendon shall tell what occurred on the meeting of the following day. It may serve to explain one of the

[1] Hist. vol. ii. p. 43. The word "never," is replaced in this edition for the substituted "seldom."

reasons of his personal, no less than public, hatred of the memory of Pym. "About three of the clock, when the house met, Mr. Pym lamented the disorder of the night before, which, he said, might probably have engaged the house in blood, and had proceeded principally from the offering a protestation, which had been never before offered in that house, *and was a transgression that ought to be severely examined,* that mischief might not result hereafter from that precedent. And therefore proposed, that the house would the next morning enter upon that examination; and in the meantime, men might recollect themselves, and they, who used to take notes, might peruse their memorials; *that the persons who were the chief causers of the disorder might be named,* and defend themselves the best they could';' and with this resolution the house rose; the vexation of the night before being very visible in the looks and countenance of many."[1]

During this stormy and eventful scene the king was on his way from Scotland. He arrived on the 25th of November, "brooding in secret over his purposed vengeance on the popular leaders."[2] His first act was to reward the deserters from the people. He made Falkland secretary, and Colepepper chancellor of the exchequer, while Hyde proposed to waive office for himself at present, on the ground that "his services would be more useful without it," or, in other words, that he had not yet lost the hope of secretly betraying the cause. Charles's next step was to remove the guards, which, since the Scotch incident and the Irish rebellion, had protected both houses. The commons strongly objected, and the king answered that his presence was a sufficient protection!

On the 1st of December the grand remonstrance was presented to him at Hampton court. He evaded an immediate answer, and promised to send one. The commons at once published the remonstrance, "con-

[1] History, vol II. p 45, 46.
[2] History from Macintosh, vol v p. 283.

trary," says Whitelocke[1], "to the king's desire, and before his answer made to it." In a few days, however, an answer, secretly drawn up by Hyde[2], was made public in the name of Charles. Every thing was rushing to a crisis.

A bill now depended in the lower house for raising soldiers by impressment. Charles suddenly intimated that he should pass it only with an express saving of his prerogative, and added, that he was "little beholding to him, whoever at this time began this dispute." Pym at once proceeded to the house of lords, at the head of a conference, and proposed the following resolutions: —"It is our opinion, that the privileges of parliament are broken, 1. By his majesty's taking notice of the bill for pressing, it being in agitation in both houses, and not agreed on. 2. In that his majesty should propound a limitation and provisional clause to be added to the bill, before it was presented to him by the consent of both houses. 3. In that his majesty did express his displeasure against some persons, for matters moved or debated in parliament, during the debate and preparation of that bill. 4. That a declaratory protestation be entered into, by both houses, for the claim of these privileges and liberties; and that a petitionary remonstrance be drawn up and presented to his majesty, about them." A "humble petition" was immediately presented, embodying the stern request, that "he (the king) should take notice that the privilege of parliament was broken, and to desire him that it may not be done so any more hereafter." Charles made an "ample apology."

The remonstrance meanwhile was doing its work among the people, and the popular discontents against the bishops were loudly heard.[3] Upon this Williams,

[1] Memorials, p 48

[2] Consult the restored text of the History.

[3] Clarendon says, that the temporal peers had become equally objects of popular odium And he proceeds to say, but without any authority of the reports or journals to bear him out, "Hereupon the lords sent to the house of commons, and many members of that house complained, 'that they could not come with safety to the house; and that some of them had been assaulted, and very ill entreated, by those that crowded about that door' But this conference could not be procured, the debate being still

who had recently made his peace with Charles, and succeeded to the archbishopric of York, committed that act, which, considered as a rashness, was such a strange departure from his character; but, viewed as a first step to the king's cherished purpose of revoking all that had been done in the past year, on the ground that the parliament had not been free, was in perfect keeping with the huge intrigue of his life. He drew up a declaration, and prevailed with eleven other prelates to join him in it, to the effect that the bishops could no longer, without danger to their lives, attend their duty in parliament, and that they therefore protested against the validity of any votes or resolutions of the house of lords during their absence. This was delivered by the lord keeper, and heard with extreme resentment. The lords treated it as a breach of privilege, and communicated with the commons; when the latter, after a debate with closed doors, impeached the twelve bishops of high treason. On the 30th of December they appeared as culprits on their knees at the bar of the upper house. Ten were committed to the tower, and two, on the score of age and infirmity, to the usher of the black rod.

Thus closed 1641, the most eventful year of the English history, and upon the first day of 1642 blood was shed. A dissolute royalist officer drew his sword at Westminster, and, inventing a term which afterwards became very famous, threatened death to "the roundheads who bawled against the bishops." Colonel Lunsford, too, who had been appointed to the tower by Charles, in defiance of the wishes of the commons, drew his sword upon the populace; several of his friends followed his example; and some of the citizens were wounded, while one, sir Richard Wiseman, was killed.

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put off to some other time, after several speeches had been made in justification of them and commendation of their affections some saying, 'they must not discourage their friends, this being a time they must make use of all friends,' Mr Pym himself saying, 'God forbid the house of commons should proceed, in any way, to dishearten people to obtain their just desires in such a way.'" History of the Rebellion, vol ii p. 8

The next scene took place in the house of commons. The question of a guard was again debated, with halberts in the house for their defence. Pym had presented to the lords the following condensed and most significant statement of reasons for the protection claimed. "The great number of disorderly, suspicious, and desperate persons, especially of the Irish nation, lurking in obscure allies and victualling-houses, in the suburbs, and other places near London and Westminster. The jealousy conceived upon discovery of the design in Scotland, for the surprising of the persons of divers nobility and members of the parliament there; which had been spoken of here, some few days before it broke out, *not without some whispering intimation, that the like was intended against divers persons of both houses;* which found the more credit, by reason of the former attempts of bringing up the army, to disturb and inforce this parliament. The conspiracy in Ireland, managed with so much secrecy, that, but for the happy discovery at Dublin, it had been executed in all parts of the kingdom, upon one and the same day, or soon after; and that some of the chief conspirators did profess, that *the like course was intended in England and Scotland;* which being found in some degree true in Scotland, seemed the more probable to be likewise designed for England. Divers advertisements beyond the sea, which came over about the same time, 'That there should be a great alteration of religion in England in a few days; and that the necks of both the parliaments should be broken.' Divers examinations of dangerous speeches of some of the popish and discontented party in this kingdom. The secret meetings and consultations of the papists, in several parts: their frequent devotions, for the prosperity of some great design in hand. These several considerations do move the parliament to desire a guard; which for the most part should be under the command of the earl of Essex: and they do conceive that there is just cause to apprehend, that there is some wicked and mischievous practice, to interrupt the peace

able proceedings of the parliament, still in hand: for preventing whereof, it is fit the guard should be continued under the same command, or such other as they should choose: but, to have it under the command of any other, not chosen by themselves, they can by no means consent to; and will rather run any hazard, than admit of a precedent so dangerous, both to this and future parliaments. And they humbly leave it to his majesty, to consider, whether it will not be fit, to suffer his high court of parliament to enjoy that privilege of providing for their own safety, which was never denied other inferior courts: and that he will be pleased graciously to believe, that they cannot think themselves safe under any guard, of which they shall not be assured, that it will be as faithful in defending his majesty's safety as their own; whereof they shall always be more careful than of their own." And now Pym rose to add additional reasons, drawn from the recent practices and menaces of the English "malignant party."

The house of commons was still in debate — the 3d of January, 1642 — when Herbert, the attorney general, appeared at the clerks' table of the house of lords, and said, that "the king had commanded him to tell their lordships that great and treasonable designs and practices against him and the state had come to his majestie's knowledge; for which the king had given him command to accuse, and he did accuse, the lord Kimbolton, Mr. Pym, Mr. Hampden, Mr. Hollis, sir Arthur Hazelrigge, and Mr. Strode, of high treason." He then read the articles, which sufficiently indicate how the blow would have been followed up, in case it had succeeded thus far.

They were couched in these words: — "First. That they have traitorously endeavoured to subvert the fundamental laws and government of this kingdom, and deprive the king of his regal power, and place in the subjects an arbitrary and tyrannical power. Second. That they have traitorously endeavoured, by many foul

aspersions upon his majesty and his government, to alienate the affections of his people, and to make his majesty odious to them. Third. That they have endeavoured to draw his majesty's late army to disobedience to his majesty's commands, and to side with them in their traiterous designs. Fourth. That they have traiterously invited and encouraged a foreign power to invade his majesty's kingdom of England. Fifth. That they have traiterously endeavoured to subvert the rights and very being of parliaments. Sixth. That for the completing of their dangerous projects they have endeavoured, as far as in them lay, by force and terror, to compel the parliament to join with them in their traitorous designs; and to that end, have actually raised and countenanced tumults against the king and parliament. Seventh. That they have traitorously conspired to levy, and actually have levied, war against the king." Herbert added a desire on the part of his majesty, " First. That a select committee, under a command of secrecy, may be appointed to take the examination of such witnesses as the king will produce in this business, as formerly hath been done in cases of like nature, according to the justice of this house. Second. Liberty to add and alter if there should be cause. Third. That their lordships would take care for the securing of the persons, as in justice there should be cause."

Had this monstrous attempt of tyranny ended here, it would have stood a lasting evidence of the perfidy and folly of the king. The oldest rights of the subject were insolently violated by it. The attorney general had not a shadow of right to impeach Pym or Hampden, any more than the house of lords had the right to try them. The only mode of legal trial, upon such a suit preferred by the king, was by a petty jury on a bill found by a grand jury. But thus far we have only seen the beginning of the end!

The lower house were told of the attempt against them by a message from the lords; and in the same

moment heard that persons were sealing up the trunks, papers, and lodgings of the accused members. They sent the speaker's warrant on the instant, to break the seals and apprehend the persons by whom they were put on; ordered at the same time that any members upon whom similar seizures were attempted should stand upon their defence; and finally desired an immediate conference with the lords, as parties interested no less than themselves.

Mr. Francis, serjeant at arms, having been meanwhile admitted without his mace, delivered the following message to the house:—"I am commanded by the king's majesty, my master, upon my allegiance, that I should come and repair to the house of commons, where Mr. Speaker is; and there to require of Mr. Speaker five gentlemen, members of the house of commons, and that these gentlemen being delivered, I am commanded to arrest them, in his majesty's name, of high treason. Their names are, Mr. Pym, Mr. Hampden, Mr. Hollis, sir A. Hazlerig, and Mr. William Strode." The house sent a deputation to the king in reply, saying, that the matter was too serious to be decided without consideration, but that the accused would be ready to answer any legal charge. Pym and Hampden were present at the moment, and the speaker, in the name of the house, formally requested them to attend, with the other three members, on the morning of the following day.[1]

The scene must now change, early on the morning of the 4th of January, to the king's apartments at Whitehall; for a page of the secret history of this memorable event has recently been opened to us.

The project of seizing the accused members in person, from within the walls of the house, was, probably, Charles's own, but had certainly been canvassed earnestly with the queen till late on the preceding night. From a curious manuscript account, left by sir W. Coke

[1] Journals of the Commons. In the afternoon of the 4th, there is a memorandum entered, "that all the five members, aforementioned, did appear in the house, according to yesterday's injunction."

of Norfolk, to Mr. Anchetil Grey, it would then appear that the king, apprehensive of the hazard of the attempt that had been agreed on at night, went the next morning to the queen's apartment, and finding Carlisle with her majesty, he retired with the latter into her closet, and there discoursed with her about the consequence of the design, urged many reasons against it, and expressed a resolution not to put it into execution; upon which the queen could no longer contain, but broke into these angry and passionate words: —"*Allez! poltron!* go, pull these rogues out by the ears, *ou ne me revoyez jamais!*"[1] The king left the room. Madame de Motteville supplies the sequel in describing the queen, while waiting with violent impatience, rejoined by lady Carlisle. "She was impatiently," says that celebrated gossip and waiting-woman, "awaiting news from the house; at length, thinking that the hour was past, and the stroke made or missed, she said to lady Carlisle, 'Rejoice! for I hope that the king is now master in his states, and such and such are in custody.' Lady Carlisle immediately sent intelligence to Mr. Pym, where it arrived in time. The queen owned her indiscretion, with great penitence, to her husband, who forgave her."[2]

Pym, Hampden, and the other members, were in their places in the house of commons very early on the 4th of January; and as soon as prayers were said, Pym had risen, and addressed the speaker on the articles of impeachment presented against him, the day before by the king's attorney. The clearness, force, and beauty of his speech will be felt by all. "What," we may say with Æschines, "what if we had heard him!"

"Mr. Speaker, these articles of high treason, exhibited by his majesty against me, and the other gentlemen in the accusation charged with the same

[1] Sir Arthur Hazelrig himself, in an account he gave of this affair, in Cromwell's parliament of 1658, uses these words in part. His account is loose, but fair corroborating evidence on the whole. See some extracts from his speech in Appendix D.

[2] Margure, p. 429.

crime, are of great consequence and much damage to the state. The articles in themselves, if proved, are, according to the laws of the land, high treason.

"First. *To endeavour to subvert the fundamental laws of the land, is, by this present parliament, in the earl of Strafford's case, adjudged high treason.* Secondly, to endeavour to introduce into this kingdom an arbitrary and tyrannical form of government, is likewise voted high treason. Thirdly, to raise an army to compel the parliament to make and enact laws, without their free votes and willing proceedings in the same, is high treason. Fourthly, to invite a foreign force to invade this land, to favour our designs agitated against the king and state, is high treason. Fifthly, to animate and encourage riotous assemblies and tumults about the parliament, to compel the king to assent to votes of the house, is treason. Sixthly, to cast aspersions upon his majesty and his government, to alienate the affections of his people, and to make his majesty odious unto them, is treason. Seventhly, to endeavour to draw his majesty's army into disobedience, and to side with us in our designs, if against the king, is treason.

"I desire, Mr. Speaker, the favour of this house to clear myself, concerning this charge. I shall only parallel and similize my actions, since the sitting of this parliament, with these articles.

"First, Mr. Speaker, If to vote with the parliament, as a member of the house, wherein all our votes ought to be free (it being one of the greatest privileges thereof to have our debates, disputes, and arguments in the same unquestionable), be to endeavour to subvert the fundamental laws; then I am guilty of the first article.

"Secondly. If to agree and consent with the whole state of the kingdom, by vote, to ordain and make laws for the good government of his majesty's subjects, in peace and dutiful obedience to their lawful sovereign, be to introduce an arbitrary and tyrannical form of government in the state; then am I guilty of this article.

"Thirdly. If to consent, by vote with the parliament, to raise a guard, or train'd band, to secure and defend the persons of the members thereof, being invironed and beset with many dangers in the absence of the king; and, by vote with the house, in willing obedience to the royal command of his majesty, at his return, be actually to levy arms against the king; then am I guilty of this article.

"Fourthly. If to join with the parliament of England, by free vote, to crave brotherly assistance from Scotland (kingdoms both under obedience to one sovereign, both his loyal subjects) to suppress the rebellion in Ireland, which lies gasping every day in danger to be lost from his majesty's subjection, be to invite and encourage a foreign power to invade this kingdom; then am I guilty of high treason.

"Fifthly. If to agree with the greatest and wisest council of state, to suppress unlawful tumults and riotous assemblies; to agree with the house, by vote, to all orders, edicts, and declarations for their repelling, be to raise and countenance them in their unlawful actions; then am I guilty of this article.

"Sixthly. If, by free vote, to join with the parliament in publishing of a remonstrance; in setting forth declarations against delinquents in the state; against incendiaries between his majesty and his kingdom; against ill counsellors which labour to avert his majesty's affection from parliament; against those ill-affected bishops that have innovated our religion — oppressed painful, learned, and godly ministers, with vexatious suits and molestations in their unjust courts — by cruel sentences of pillory and cutting off their ears — by great fines, banishments, and perpetual imprisonments: — if this, Mr. Speaker, be to cast aspersions upon his majesty and his government, and to alienate the hearts of his loyal subjects, good protestants and well affected in religion, from their due obedience to his royal majesty; then am I guilty also of this article.

"Seventhly. If to consent, by vote with the parlia-

ment, to put forth proclamations, or to send declarations to his majesty's army, to animate and encourage the same to his loyal obedience; to give so many subsidies, and raise so many great sums of money, willingly, for their keeping on foot to serve his majesty upon his royal command, on any occasion; to apprehend and attack, as delinquents, such persons in the same as are disaffected both to his sacred person, his crown and dignity; to his wise and great counsel of parliament; to the true and orthodox doctrine of the church of England, and the true religion, grounded on the doctrine of Christ himself, and established and confirmed by many acts of parliament in the reigns of king Henry VIII., king Edward VI., queen Elizabeth, and king James, of blessed memory: — if this, Mr. Speaker, be to draw his majesty's army into disobedience, and siding with us in our designs; then am I guilty of this article.

"Now, Mr. Speaker, having given you a touch concerning these articles; comparing them with my actions ever since I had the honour to sit in this house as a member thereof; I humbly crave your consideration and favourable judgment of them, not doubting — they being weighed in the even scales of your wisdom — I shall be found innocent and clear from these crimes laid to my charge."

Nor, in the triumph of this masterly self-vindication, did Pym forget the higher duty which then waited upon his position as leader of the house — upon his virtue — and on his never-quailing courage. As the members expected him to resume his seat, he gravely and earnestly, amid loud cheering from various quarters, added these words: —

"Mr. Speaker, I humbly crave your further patience, to speak somewhat concerning the exhibiting of this charge; which is to offer to your consideration these questions, viz. First, *whether to exhibit articles of high treason by his majesty's own hands in this house, agrees with the rights and privileges thereof?* Secondly,

whether for a guard armed to come into the parliament to accuse any of the members thereof, be not a breach of the privilege of parliament? Thirdly, whether any of the members of parliament, being so accused, may be committed upon such accusation, without the whole consent? Fourthly, whether a parliament hath not privilege to bail any member so accused? Fifthly and lastly, whether, if any of the members of parliamen so charged, and by the house discharged, without release from his majesty, may still sit in the house as members of the same?

"And thus, Mr. Speaker, I humbly crave pardon for my presumption in so far troubling this honourable house, desiring their favourable consideration of all my actions; and that I may have such trial as to this wise council shall seem meet;—chearfully submitting myself and actions to the righteous judgment of the same."

The rest of the accused members afterwards rose successively, and refuted the alleged charges against themselves. The dinner hour's adjournment then took place; and the house had scarcely resumed when, between three and four o'clock, Pym received lady Carlisle's intelligence, and at once stated it to the house. The five members were requested to withdraw, to avoid the bloodshed which it was felt would be the necessary consequence of their remaining; and after some difficulty they did so. Then the house, having ordered Mr. Speaker to keep his seat, with the mace lying before him, awaited in awful silence the approach of their strange and unwelcome visitor.[1]

A loud knock threw open the door; a rush as of many armed men was heard; and above it the voice of Charles, commanding "upon their lives not to come in."[2] He entered the moment after, accompanied only

[1] The subsequent entry on the Journals is simply this—"Jan 4, p m The king came into the house of commons and took Mr Speaker's chair

"Gentlemen, I am sorry to have this occasion to come unto you, * * * *"

"Resolved, upon the question, that the house shall adjourn itself till tomorrow one of the clock"

[2] Verney's pencil notes.

by his nephew, the prince palatine; and as he advanced up to the chair — uncovering himself, and the members standing up uncovered — he darted a look "on the right hand, near the bar of the house, where Mr. Pym used to sit; but not seeing him there (*knowing him well*), went up to the chair."[1] This the speaker yielded to him, but he continued standing on the step. Again his eye glanced round — searching once more for the portly person of the popular leader. The multitude of faces that met his own, and the sullen and awful silence that prevailed, confused him. He spoke at last, but in a subdued tone, and with an abruptness which made more evident than usual the painful defect in his enunciation. He assured them hastily, "that no king that ever was in England should be more careful of their privileges; but in case of treason, he held that no person hath a privilege." He took "this occasion again to confirm, that whatever he had done in favour and for the good of his subjects he would maintain." Then again, "he called Mr. Pym by name."[2] — None answered. He asked the speaker if he was in the house. Lenthall, inspired by the greatness of the occasion, kneeled, and desired him to excuse his answer, for "in this place I have neither eyes to see nor tongue to speak, but as the house is pleased to direct me, whose servant I am." "The birds then are flown!" said Charles, passionately; and, abruptly insisting that the accused members must be sent to him, or "he must take his own course," left the place where he stood, "pulling off his hat till he came to the door."[3] A low and ominous murmur of "privilege! privilege!" sounded in his ears as he retired. His hired and tumultuous bands of bravoes, who, while he was in the house, had been waiting in the lobby for "the word," cocking their pistols, and crying "Fall on,"[4] now followed him

[1] Rushworth.
[2] Verney's pencil notes. Hallam, vol ii. p. 172. [3] Ibid.
[4] The following passage is taken from the subsequent "declaration" of the commons. "It did fully appear, that many soldiers, papists and others, to the number of about 500, came with his maj. on Tuesday the 4th instant, to the said house of commons, armed with swords, pistols, and other weapons, and divers of them pressed to the door of the said house, thrust

shouting to Whitehall; from whence he issued a proclamation, in the course of that night, directing that the ports should be stopped, and that no person should, at his peril, venture to harbour the accused members.

During the whole of this extraordinary and unparalleled scene, one person only sat quiet and unmoved. This was Rushworth, the celebrated historical collector, then assistant clerk to the commons. I will here subjoin the account which he has left, since it is remarkable for many reasons; and not least for containing the very words that were spoken by Charles and Lenthall, and which the indefatigable clerk coolly wrote down as they broke upon the terrible silence. The closing paragraph carries us, too, a step beyond the sketch given above; which is taken, it should be added, in the points of difference or addition to Rusworth, from the pencil notes of sir Ralph Verney, who was also in the house at the time.

"When the five accused members came this day, after dinner, into the house, they were no sooner sat in their places, but the house was informed by one captain Langrish, lately an officer in arms in France, that he came from among the officers and soldiers at Whitehall;

away the door keepers, and placed themselves between the said door and the ordinary attendants of his maj. holding up their swords, and some holding up their pistols, ready cocked, near the said door, and saying, 'I am a good marksman; I can hit right, I warrant you,' and they not suffering the said door, according to the custom of parliament, to be shut; but said, 'they would have the door open, and, if any opposition were against them, they made no question, but they should make their party good, and that they would maintain their party:' And, when several members of the house of commons were coming into the house, their attendants desiring that room might be made for them, some of the said soldiers answered, 'A pox of God confound them,' and others said, 'A pox take the house of commons, let them come, and be hanged, what a do is here with the house of commons!' And some of the said soldiers did likewise violently assault, and by force disarm, some of the attendants and servants of the members of the house of commons, waiting in the rooms next the said house and, upon the king's return out of the said house, many of them, by oaths and otherwise, expressed much discontent, that some members of the said house, for whom they came, were not there. and others of them said, 'When comes the word?' and no word being given, at his majesty's coming out, they cried, "A lane, a lane!' Afterwards, some of them, being demanded, 'what they thought the said company intended to have done,' answered, 'that, questionless, in the posture they were set, if the word had been given, they should have fallen upon the house of commons'"

and, understanding by them that his majesty was coming with a guard of military men, commanders and soldiers, to the house of commons, he passed by them, with some difficulty, to get to the house before them, and sent in word how near the said officers and soldiers were come. Whereupon, a certain member of the house[1] having also private intimation from the countess of Carlisle, sister to the earl of Northumberland, that endeavours would be used this day to apprehend the five members, the house required the five members to depart the house forthwith, to the end to avoid combustion in the house, if the said soldiers should use violence to pull any of them out. To which command of the house four of the said members yielded ready obedience; but Mr. Strode was obstinate, till sir Walter Earle (his antient acquaintance) pulled him out by force; the king being at that time entering into the new palace-yard, in Westminster. And as his majesty came through Westminster hall, the commanders, reformadoes, &c., that attended him, made a lane on both sides the hall through which his majesty passed, and came up the stairs to the house of commons, and stood before the guard of pensioners and halberteers, who also attended the king's person; and the door of the house of commons being thrown open, his majesty entered the house, and as he passed up towards the chair, he cast his eye on the right hand, near the bar of the house, where Mr. Pym used to sit; but his majesty, not seeing him there (knowing him well), went up to the chair, and said, 'By your leave, Mr. Speaker, I must borrow your chair a little.' Whereupon the speaker came out of the chair, and his majesty stepp'd up into it. After he had staid in the chair awhile, he cast his eye upon the members as they stood up uncovered, but could not discern any of the five members to be there; nor, indeed, were they easy to be discerned, had

[1] There seems a sort of delicacy here implied, as if the assistant clerk did not care to announce publicly Pym's connection with Lady Carlisle.

they been there, among so many bare faces all standing up together.

"Then his majesty made this speech. 'Gentlemen, I am sorry for this occasion of coming unto you. Yesterday I sent a serjeant at arms upon a very important occasion, to apprehend some that, by my command, were accused of high treason; whereunto I did expect obedience, and not a message. And I must declare unto you here, that albeit no king that ever was in England shall be more careful of your privileges, to maintain them to the uttermost of his power, than I shall be; yet you must know that in cases of treason no person hath a privilege. And therefore I am come to know if any of these persons that were accused are here. For I must tell you, gentlemen, that so long as these persons that I have accused, for no slight crime, but for treason, are here, I cannot expect that this house will be in the right way that I do heartily wish it. Therefore I am come to tell you, that I must have them wheresoever I find them.—Well, since I see all the birds are flown, I do expect from you that you will send them unto me as soon as they return hither. But I assure you, on the word of a king, I never did intend any force, but shall proceed against them in a legal and fair way, for I never meant any other.—And now, since I see I cannot do what I came for, I think this no unfit occasion to repeat what I have said formerly, that whatsoever I have done in favour and to the good of my subjects, I do mean to maintain it. I will trouble you no more but tell you, I do expect, as soon as they come to the house, you will send them to me; otherwise I must take my own course to find them.'

"When the king was looking about the house, the speaker standing below by the chair, his majesty asked him whether any of these persons were in the house? whether he saw any of them? and where they were? To which the speaker, falling on his knee, thus answered:—'May it please your majesty, I have neither

eyes to see nor tongue to speak in this place, but as the house is pleased to direct me, whose servant I am here; and humbly beg your majesty's pardon that I cannot give any other answer than this to what your majesty is pleased to demand of me.'

"The king, having concluded his speech, went out of the house again; which was in great disorder, and many members cried out aloud, so as he might hear them, *Privilege! privilege!* and forthwith adjourned till the next day at one o'clock.

"The *same evening* his majesty sent James Maxwell, usher of the house of peers, to the house of commons, to require Mr. Rushworth, the clerk assistant, whom his majesty had observed to take his speech in characters, at the table in the house, to come to his majesty; and when Maxwell brought him to the king, his majesty commanded him to give him a copy of his speech in the house. Mr. Rushworth humbly besought his majesty (hoping for an excuse) to call to mind how Mr. Francis Nevil, a Yorkshire member of the house of commons, was committed to the tower, for telling his majesty what words were spoken in the house by Mr. Henry Bellasis, son to the lord Fauconberg; to whom his majesty smartly replied, 'I do not ask you to tell me what was said by any member of the house, but what I said myself:' whereupon he readily gave obedience to his majesty's command, and in his majesty's presence, in the room called the jewel-house, he transcrib'd his majesty's speech out of his characters, his majesty staying in the room all the while, and then and there presented the same to the king; which his majesty was pleased to command to be sent speedily to the press, and the next morning it came forth in print."[1]

Pym, Hampden, Hollis, Hazelrig, and Stroude had taken refuge in Coleman-street, in the city. The city, it has been well observed, was at this time the fastness of public liberty, and "a place of at least as much import-

[1] Rushworth's Collections, vol. iv. p. 477, 478.

ance as Paris during the French revolution.[1]" Instead of being, as now, a huge collection of immense warehouses and counting-houses, frequented by clerks and traders during the day, and left almost deserted during night, it was then "closely inhabited by 300,000 persons, to whom it was a place of constant residence," and who had as complete a civil and military organisation as if it had been an independent republic. The troops they afterwards furnished turned the tide of many an action at the opening of the civil war. The municipal offices were filled by the most opulent and respectable merchants of the kingdom, and "the pomp of the magistracy of the capital was second only to that which surrounded the person of the sovereign." Finally, the numbers, the intelligence, the wealth of the citizens, the democratic form of their local government, that had educated them to notions of liberty, and their vicinity to the court and to the parliament, made them "one of the most formidable bodies in the kingdom."

Into the city Charles proceeded on the following morning, in search of the five members. He was received with marked signs of discontent. The multitude cried aloud, "Privileges of parliament! privileges of parliament!" and one of them, more zealous than the rest, flung into the window of his carriage a paper, on which was written the famous words of the ten tribes, when they forsook the foolish and wantonly tyrannical Rehoboam — "To your tents, O Israel!" Meanwhile the houses, the purses, the pikes of the citizens, were freely placed at the command of the commons. They kept themselves all night in arms; and on the following day all signs of business were suspended, the shops closed, and the streets thronged. A committee had been appointed to sit in the city, for investigating the outrage; a deputation of the common council welcomed its members; several of the halls of the companies (then formidable clans) were offered for its sittings; guards

[1] See a brilliant article on lord Nugent's Memorials of Hampden, in the Edinburgh Review.

were furnished in abundance; and the sheriffs watched over the safety of Pym and his friends, and conducted them to and from the committee with every mark of honour.

Nor was this all. While four thousand Buckinghamshire men rode up from their county to watch over the safety of Hampden, an immense body of the common people assembled to "defend Mr. Pym." From a curious pamphlet, to which reference has already been made [1], I find that a petition and defence of Pym was on this occasion drawn up by these faithful and strong friends, and meant for presentation to the king. Whether it was ever so presented, I cannot ascertain; but some extracts, which have not yet found a place in any record of the time, are appropriate and interesting.

Waiving any allusion to the other members accused, the petitioners confine themselves to the alleged guilt of Pym. "Wee doe unanimously suppose," they say, "that your majesty hath been either misinformed, or else suggested by some malicious persons who are ill affected to the said Mr. Pym; the man we have experimentally found to be a chief pillar of religion; who, when the pure sanctitie thereof had sunck too low into the vault of heresie in the late turbulent times, and when it almost languished in so disastrous a manner, was the chiefest supporter thereof, and did alwayes study with careful vigilancie to erect, and elevate the same." Again, adverting to the first article, "that Mr. Pym hath traiterously endeavoured to subvert the fundamentall lawes and government of England," the following remark is made: — "this seemes contrary, in regard that hee solely did alwayes oppose any man, whom hee either found or could suspect guilty of the same crime, and hath laboured rather to ratifie and confirme the fundamentall lawes, than either subvert or confound the same. For in his diurnall speeches in the parliament was alwayes specified his reall intent, in the institution, and

[1] See p. 123 of the present volume, *note*. "The commons' petition to the king."

not diminution or subversion of any law, which was not detrimentall to the safety and prosperity of this kingdome." The allegations in the fourth and fifth articles are answered thus: — "It is declared, that he hath traytorously invited and incouraged a forreine power to invade his majestie's kingdome of England. To this your petitioners dare boldly say, that this nefarious invitation and incouragement of a forreine power was never undertooke by him; for he hath bin very vigilant to preserve and defend this kingdome, in as great fortification as possibly might be, to the florishing prosperity of this whole realme. And, therefore, he hath oftentimes expressed his affection towards the safety of this nation, and of stronger forces that should be raised, to keep out any forreine enemy or power, least peradventure, they steale upon us vnawares. In the fifth article he is impeached thus: — That hee hath traytorously indeavoured to subvert the rights and very being of parliaments. To this wee may answer with great facility, — *Hee was the chiefe cause that this parliament was assembled*, and it seems very incongruous that he should subvert the same. Moreover, he is the sole man that stands for the antient rights and liberties of the parliaments, and it seemes a stupendious thing that hee should confound the same. In this respect your petitioners dare speak with confidence, that there was not one man in the parliament house who did stand more strongly for the rights of parliament than Mr. Pym did."

What need to pursue this subject farther? The house of commons, having declared the king's "warlike entrance" a gross breach of privilege, and his proclamation of the five members as traitors a "false, scandalous, and illegal paper," completed their open defiance of Charles by adjourning till the 11th of January, and ordering the accused members on that day to attend in their places at Westminster, and resume their public duties. Charles sought to effect a compromise; offered a "free pardon;" and said he found now "good cause

wholly to desert any prosecution;"— but it was too late. The resolute determination of the commons, the proceedings which were afterwards taken to dare the utmost investigation; and, finally, the punishment of the king's attorney, belong to history.

The 11th of January was a brilliant day, and the thames appeared covered with boats, and its bridges and banks crowded with spectators. Armed vessels, and barges manned by sailors and carrying ordnance with matches lighted, attended the embarkation of the sheriffs, with a portion of the city guard. Two brilliant lines of flags and colours ranged themselves from London bridge to Westminster hall; and through these, Pym and Hampden and their friends, in a vessel manned by sailors who had volunteered their services, returned to the scene of their dangers and glories. A further division of the train-bands of the city had meanwhile marched up the Strand, attended by vast crowds of shouting people, for the purpose of guarding the avenues to the house of commons; and as the patriots landed, the enthusiastic applauses of the multitude, outringing the clattering discharges of ordnance, followed them in their passage to the lobby. Pym rose immediately after taking his old seat, and fervently thanked the citizens of London. Hampden, Hollis, Hazlerig, and Stroude stood uncovered while Pym spoke. In conclusion the sheriffs were thanked by an unanimous vote of the house, and orders given that a guard, selected from the train-bands of the city, "should attend daily to watch over the safety of the parliament."

Late on the night before this public triumph, the king, his queen, and their children, left London and proceeded to Hampton Court. When Charles returned again, he returned a prisoner.

The crisis had now arrived, and the last appeal alone was waited for. Clarendon says that Pym and Hampden returned to their places in parliament, altered and fiercer men. Fiercer they probably were; but they were not altered. The times had changed, not they.

Their hopes of any intermediate reconciliation were now for ever blasted; and it was clear that no mutual terms could be held again until one of the parties had thoroughly subdued the other.

The commons pursued their measures with singular energy. Major-general Skippon was placed, with a sufficient guard, over the Tower; and a memorable order was at once issued, that lord Newport, master-general of the ordnance, and sir John Byron, lieutenant of the Tower, should suffer no removal of ordnance or ammunition "without the king's authority signified by both houses of parliament." Goring was sent to hold Portsmouth under the same authority, and sir John Hotham to Hull. The king remained irresolute and inactive meanwhile.

The commons wanted money beyond all things, and now negotiated a loan with the city. The authorities, by petition, declined lending, except upon certain conditions, which they delivered in the form of twelve specific grievances to be at once redressed. These conditions are supposed to have been the suggestion of Pym. The commons instantly desired a conference with the lords respecting this London petition, and divers others of a similar character from the counties of Middlesex, Essex, and Hertford. Pym managed the conference, and the speech he delivered there is a masterpiece of eloquence; solid, concise, and vigorous, nervous and simple. It may remain, with the language itself, an everlasting evidence of the wisdom and courage of the orator.

"My lords, I am commanded by the knights, citizens, and burgesses, assembled for the commons in parliament, to present to your lordships divers petitions, which they have received from several parts, concerning the state of the kingdom; — whereunto they are chiefly moved by that constant affection which they have always expressed, of maintaining a firm union and good correspondence with your lordships; wherein they have ever found much advantage and contentment, but never held it more important and necessary than at this

time, when the wisdom and resolution of parliament have as many great dangers and difficulties to pass through as ever heretofore.

"We are united in the public trust, which is derived from the commonwealth, in the common duty and obligation whereby God doth bind us to the discharge of that trust; — and the commons desire to impart to your lordships whatsoever information or intelligence, whatsoever encouragement or assistance, they have received from those several counties which they represent; that so likewise we may be united in the same intentions and endeavours of improving all to the service of his majesty, and the common good of the kingdom.

"The petitions which I am directed to communicate to your lordships are four: from London, Middlesex, Essex, and Hertfordshire. We have received many more, but it would take up too much time and be too great a trouble to peruse all; and in these four you may perceive the effect and sense of all. First, I am to desire your lordships to hear them read; and then I shall pursue my instructions in propounding some observations out of them."

"These petitions," the report continues, "being read by four several members of the house, Mr. Pym resumed his discourse.

"My lords, in these four petitions you may hear the voice, *or rather the cry*, of all England; and you cannot wonder if the urgency, the extremity of the condition wherein we are, do produce some earnestness and vehemency of expression more than ordinary. The agony, terror, and perplexity in which the kingdom labours, are universal; all parts are affected with them; and therefore in these you may observe the groans and miserable complaints of all.

"Divers reasons may be given why those diseases which are epidemical are more dangerous than others. First, The cause of such diseases is universal and supernal, and not from an evil constitution. or evil diet,

or any other accident; such causes, therefore, work with more vigour and efficacy than those which are particular and inferior. Secondly, In such diseases there is a communicative quality, whereby the malignity of them is multiplied and enforced. Thirdly, They have a converting, transforming power, that turns other diseases and ill affections of men's bodies into their own nature.

"First, The common and epidemical disease, wherein this commonwealth now lies grasping, hath a superior and universal cause from the evil counsels and designs of those who, under his majesty, bear the greatest sway in government. Secondly, It hath a contagious and infectious quality, whereby it is diffused and dispersed thro' all parts of the kingdom. Thirdly, It is apt to take in the discontents, evil affections, and designs of particular persons, to increase and fortify itself.

"I shall take occasion, from several branches of those petitions which your lordships have heard, to observe: First, The variety of dangers to which this kingdom is now subject. Secondly, The manifold distempers which are the cause of those dangers. Thirdly, The multiplicity of those evil influences which are the causes of those distempers.

"The first danger is from enemies abroad. This may seem a causeless and impertinent observation at this time, seeing we are in peace with all nations about us. *But, my lords, you may be pleased to consider that the safety of the kingdom ought not to depend upon the will and disposition of our neighbours, but upon our own strength and provision.* Betwixt states there are often sudden changes from peace to war, according to occasion and advantage. All the states of Christendom are now armed, and we have no reason to believe but that those of greatest power have an evil eye upon us, in respect of our religion. And if their private differences should be composed, how dangerously, how speedily, might those great armies, and other preparations now ready, be applied to some enterprise and attempt against us! If there were no other cause, this were sufficient

to make us stand upon our guard. But there are divers more especial symptoms of dangers of this kind.

"We may perceive, by several advertisements from abroad, that they did foresee our dangers many months before they broke out. They could foretell the time and manner of them; which is a clear evidence they held intelligence with those who were the contrivers and workers of the present troubles.

"We have, in truth, many dangerous traitors and fugitives now in other parts, who can discover the weakness and distemper of the kingdom, who hold intelligence with the ill-affected party here; and, by all cunning and subtle practices, endeavour to incite and provoke other princes against us.

"Some of the ministers of our neighbour princes, my lords, may be justly suspected to have had a yet more immediate hand and operation in the insurrection and rebellion in Ireland; many of the commanders, and most of the soldiers, levied for the service of Spain, are now joined with the rebels there; and those Irish friars, which were employed by the Spanish ambassador for the making of those levies, are known to have been the chief incendiaries of this rebellion, and are still very active in the prosecution and encouragement of it. The rebels have, moreover, a ready and speedy supply from some of our neighbours. Two convoys of munition and arms we are certainly informed of: — one from Dunkirk, the other from Nantes in Brittany; and certainly those that are so forward to enable others to hurt us, will not forbear to hurt us themselves, as soon as they shall have means and opportunity to do it.

"Another danger is from the papists and ill-affected party at home. The papists here are actuated by the same principles with those in Ireland. Many of the most active of them have lately, indeed, been there, which argues an intercourse and communication of councils. They have still store of arms and munition at their disposing, notwithstanding all our endea-

vours to disarm them; they have a free resort to the city and to the court; they want no opportunity to consult together; they have the same or greater encouragements, *from above and from about them*, than ever, in respect of the example and success of the rebels in Ireland, and the great confusions and divisions which, by their cunning and subtle practices, are raised and fomented amongst ourselves at home.

"A third danger is of tumults and insurrections of the meaner sort of people, by reason of their ill vent of cloth and other manufactures, whereby great multitudes are set on work, who live for the most part on their daily gettings, and will, in a very short time, be brought to great extremity, if not employed. Nothing is more sharp and pressing than necessity and want; what they cannot buy they will take; from them the like necessity will quickly be derived to the farmers and husbandmen; and so grow higher, and involve all in an equality of misery and distress, if it be not instantly prevented! And, at this time, such tumults will be more dangerous, because the kingdom is full of disbanded soldiers and officers, who will be ready to head and to animate the multitude to commit violence with more strength and advantage; and if they once grow into a body, it will be much more difficult to reduce them into order again, because necessity and want, which are the causes of this disturbance, will still increase as the effects increase.

"A fourth danger is from the rebels in Ireland, not only in respect of that kingdom, but in respect of this. They have seized upon the body of that kingdom already; they abound in men of very able persons; they increase in arms and munition; they have great hopes of supplies from abroad and of encouragement here, and are sure of good entertainment from the popish party; so that they begin to speak already there of transporting themselves hither, and making this kingdom the seat of the war.

"The distemper, my lords, which hath produced these

dangers, is various and exceeding violent. Whensoever nature is hindered in her proper operations and faculties, distempers will necessarily follow. The obstructions, my lords, which have brought us into this distemper are very many, so that we cannot wonder at the strength and malignity of it. Some of the chiefest of these obstructions I shall endeavour to remember.

"First. The obstruction of reformation in matters of religion. *No grievances are sharper than those that press upon the tender consciences of men!* and there was never church or state afflicted with more grievances of this kind than we have been. And though they are, by the wisdom of this parliament, partly eased and diminished, yet many still remain; and as long as the bishops and the corrupt part of the clergy continue in their power, there will be little hope of freedom, either from the sense of those which continue, *or the fear of those which are removed.* And of this obstruction, my lords, I must clear the commons. We are in no part guilty of it. Some good bills have passed us, and others are in preparation, which might have been passed before this, if we had not found such ill success in your lordships' House. *Whatsoever mischief this obstruction shall produce, we are free from it: we may have our part of the misery, we can have no part in the guilt or dishonour.*

"Secondly. An obstruction in trade. It is trade that brings food and nourishment to the kingdom. It is that which preserves and increases the stock of the whole, and distributes a convenient portion of maintenance to every part of it; therefore, such an obstruction as this must needs be dangerous; the freedom of trade being so necessary, the benefit so important, that it gives life, strength, and beauty to the whole body of the commonwealth. But I must protest the house of commons hath given no cause to this obstruction; we have eased trade of many burdens and heavy taxes, which are taken off; we have freed it from many hard restraints by patents and monopolies; we have been willing to part with our own privileges, to give it en-

couragement; we have sought to put the merchants into security and confidence in respect of the tower of London, that so they might be invited to bring in their bullion to the mint, as heretofore they have done; and we are no way guilty of the troubles, the fears, and public dangers which make men withdraw their stocks, and keep their money by them, to be ready for such sudden exigencies, as in these great distractions we have too much cause to expect.

"Thirdly. The obstruction in the relief of Ireland. It must needs be accounted a great shame and dishonour to this kingdom, that our neighbours have shewed themselves more forward to supply the rebels, than we have been to relieve our distressed brethren and fellow-subjects. But I must declare we are altogether innocent of any neglect herein. As soon as the first news of the rebellion came over, we undertook the war, not by way of supply and aid, as in former rebellions the subjects have used to do; but we undertook the whole charge of it, and we suffered not twenty-four hours to pass before we agreed to a great levy of money and men, to be employed against the rebels, even in a larger proportion than the lords, justices, and council there did desire; and, from time to time, we have done all for the furtherance thereof, though in the midst of many distractions and diversions. But the want of commissions for levying of men, for issuing arms, and divers other impediments, have been the causes of that obstruction: and I wish we had not only found impediments to ourselves; we have found also encouragements to them. Many of the chief commanders, now at the head of the rebels, after we had, with your lordships' concurrence, stop't the ports against all Irish papists, have been suffered to pass by his majesty's immediate warrant, much to the discouragement of the lords justices and the council there; and this procured, as we believe, by some evil instruments too near his royal person, *without his majesty's knowledge and intention.*

"Fourthly. The obstruction in prosecution of delin-

quents. Many we have already brought up to your lordships, divers others we have been discouraged to transmit, such difficult proceedings have we met withall, such terrors and discountenance have been cast upon ourselves and our witnesses. My lords, those who have shewed themselves the friends and patrons of delinquents, have found it the most ready way to preferment! Yea, his majesty's own hand hath been obtained, and his majesty's ships employed, for the transporting of divers of those who have fled from the justice of parliament!

"Fifthly. A general obstruction and interruption of the proceedings in parliament, by those manifold designs of violence which, thro' God's mercy, we have escaped; by the great and frequent breaches of privilege; by the subtle endeavours to raise parties in our house, and jealousies betwixt the two houses.

"Sixthly. The obstruction in providing for the defence of the kingdom, that we might be enabled to resist a foreign enemy, or to suppress all civil insurrections. What a pressing necessity there is of this — the exceeding great decays in the navy, in the forts, in the power of ordering the militia of the kingdom, and means of furnishing them with munition — are sufficient evidences, known to none better than your lordships. And what endeavours we have used to remove them, but hitherto without that success and concurrence which we expected, and where the stop hath been, and upon what good grounds we may claim our own innocency and faithfulness, *we desire no other witnesses but yourselves.*

"Lastly, I come to the evil influences which have caused this distemper; and I shall content myself with mentioning those which are most important. 1. I shall remember the evil counsels about the king, whereof we have often complained. Diseases of the brain are most dangerous, because from thence sense and motion are derived to the whole body. The malignity of evil counsels will quickly be infused into all parts of the state. None can doubt but we have exceedingly laboured under

most dangerous and mischievous counsels. This evil influence hath been the cause of the preparation of war with Scotland — of the procuring a rebellion in Ireland —of corrupting religion —suppressing the liberty of this kingdom — and of many fearful and horrid attempts to the subverting the very being of parliaments, which was the only hopeful means of opposing and preventing all the rest. The last, indeed, doth appear to be a most predominant evil of the time; whereat we need not wonder, when we consider how counsellors have been preferred and prepared. And I appeal to your lordships' own consciences, whether the giving and countenancing of evil counsel hath not been almost the only way to favour and advancement. 2. The discouragement of good counsel. Divers honest and approved counsellors have been put from their places, others so discountenanced, as that the way of favour hath been shut against them, and that of danger and destruction only open to them. 3. The great power that an interested and factious party hath in the parliament, by the continuance of the votes of the bishops and popish lords in your lordships' house; and the taking in of others, both out of the house of commons, and otherwise, to increase their strength. 4. The fomenting and cherishing of a malignant party throughout the whole kingdom. 5. The manifold jealousies betwixt the king, his parliament, and good subjects; whereby his protection and favour hath, in a great measure, been withheld from them; and their inclination and resolution to serve and assist him, hath been very much hindered and interrupted."

The force and boldness of all this were equal to the great emergencies of the hour; and as the orator proceeded, we may suppose him more than repaid by the expression of proud and affectionate admiration that rested on the countenances of Hampden and Fiennes, who were sitting by his side. His closing passages were simple and noble in the extreme. They condensed into a few words all the ominous warnings which, through

out his great task, he had addressed to the upper house; and the inspiration of a memorable lesson, announced not less for the present than as a precedent and example for remoter times, was stamped upon them.

"We have often suffered under the misinterpretation of good actions, and false imputation of evil ones which we never intended; so that we may justly purge ourselves from all guilt of being authors of this jealousie and misunderstanding. We have been, and are still, ready to serve his majesty with our lives and fortunes, with as much chearfulness and earnestness of affection as ever any subjects were; and we doubt not but our proceedings will so manifest this, that we shall be as clear in the apprehension of the world, as we are in the testimony of our own consciences.

"I am now come to a conclusion. I have nothing to propound to your lordships by way of request or desire from the house of commons. I doubt not but your judgments will tell you what is to be done. Your consciences, your honours, your interests, will call upon you for the doing of it. The commons will be glad to have your concurrence and help in saving of the kingdom; but, if they fail of it, it shall not discourage them in doing their duty. And whether the kingdom be lost or saved (I hope, through God's blessing, it will be saved!), they shall be sorry THAT THE STORY OF THIS PRESENT PARLIAMENT SHOULD TELL POSTERITY THAT, IN SO GREAT A DANGER AND EXTREMITY, THE HOUSE OF COMMONS SHOULD BE ENFORCED TO SAVE THE KINGDOM ALONE, and that the peers should have no part in the honour of the preservation of it, having so great an interest in the good success of those endeavours in respect of their great estates and high degrees of nobility.

"My lords, consider what the present necessities and dangers of the commonwealth require, what the commons have reason to expect, to what endeavours and counsels the concurrent desires of all the people do invite you! So that, applying yourselves to the preservation of the king and kingdom, I may be bold to assure you,

in the name of all the commons of England, that you shall be bravely seconded!"

The first effect of this speech, which was enthusiastically hailed by the commons [1], was in the passing of the bill for taking away the bishops' vote, with three dissentient voices only. The king refused his assent to it, but subsequently yielded; and in this gave great offence to his party. It may be supposed, however, that some subsequent explanation was satisfactory to them, since the following notable disclosure has escaped from lord Clarendon's pen: "I have some cause to believe that the argument, which was unanswerable, for the rejecting that bill, was applied for the confirming it; an opinion that the violence and force used in procuring it, rendered it absolutely invalid and void, made the confirmation of it less considered, as not being of strength to make that act good which was in itself null; and I doubt this logic had an influence upon acts of no less moment than these." There is scarcely an act in the life of Charles I. that does not bear the stain of some such perfidy. Where were the leaders of the English people now to lean, if not upon their own strength, the wisdom of their long and hard experience, and the confidence of the people who trusted them?

The second great effect of Pym's speech was exhibited by the king himself. He wrote to the speaker and complained of it; more especially of that passage which stated several of the Irish rebels to have passed the ports "by his majesty's immediate warrant." The commons vindicated the speech, and the king replied; it was again defended more strongly still; and the many conferences and declarations that passed, served to widen

[1] "The foregoing speech of Mr Pymme's was so agreeable to the commons, that the same day they ordered, 'that Mr. Speaker, in the name of the house, shall give thanks unto Mr Pymme for his so well performing the service he was employed in, by the commands of this house, at this conference And it was further ordered, that Mr Pymme be desired to put the speech he made at this conference into writing, and to deliver it into the house, to the end that it may be printed' This was done accordingly" Parliamentary History The copy in the text is taken from a large paper copy of this authorized version now in possession, "printed for John Bothwell," 1641.

the breach between the parliament and the king.[1] The tributes which it had meanwhile brought pouring in, of faith and affection to the parliament, most materially strengthened the cause.[2]

The king now directed all his resources, whether of force or stratagem, to the acquisition of the two great magazines of the kingdom, Hull and the Tower. His various attempts, and their thorough defeat, are told in all the histories. The result was, that Charles proclaimed Hotham a traitor by sound of trumpet, and sent two angry messages to the house demanding reparation for the repulse he had met with. "If," he added, "we are brought into a condition so much worse than any of our subjects, that whilst you all enjoy your

[1] Charles's pertinacity about this speech was curious. Whenever, for some weeks after, the commons sent him any message, his remark would be, "I must tell you, that I rather expected a vindication for the imputation laid on me in Mr. Pym's speech;" and as the war approached more nearly, his reference to it grew less respectful: — "Concerning Pym's speech, you will have found by what the lord Compton and Mr Baynton brought from us in answer to that message they brought to us, that, as yet, we rest nothing satisfied in that particular."

[2] Even the London *women*, wives of tradesmen, became infected with the popular enthusiasm, and sent in a long petition of affection to the house of commons, and prayers that they would redress all grievances Butler is supposed to have alluded to this in his couplet —

"The oyster-women lock'd their fish up,
And trudged away to cry 'no bishop'" —

and the satire was allowable enough. The Journals of the house state, however, that "this petition was presented by Mrs Anne Stagg, *a gentlewoman* and brewer's wife, and many others with her *of like rank and quality*, and that, after some time spent in reading of it, the house sent them an answer by Mr Pym, which was performed in this manner. Mr Pym came to the commons door, and called for the women, and spake unto them in these words —'Good women, your petition, with the reasons, hath been read in the house, and is thankfully accepted of, and is come in a seasonable time You shall, God willing, receive from us all the satisfaction which we can possibly give to your just and lawful desires We intreat you, therefore, to repair to your houses, *and turn your petition which you have delivered here, into prayers at home for us*; for we have been, are, and shall be, to our utmost power, ready to relieve you, your husbands, and children, and to perform the trust committed unto us, towards God, our king and country, as becometh faithful christians and loyal subjects.'" This speech is no bad evidence of Pym's popular and easy address. Nothing could have been more happily turned I should add, also, from the journals of the same period, another kind of testimony to the present influence of Pym. "Information being given to the lords, that Edw Sandeford, a taylor, of London, had said, 'that the earl of Essex was a traitor; that all the parliament were traitors; that the earl of Warwick was a traitor, and he wished his heart in his boots; and that he cursed the parliament, and wished Mr Pym (*calling him king Pym*) and sir John Hotham both hanged,' the said Edw Sandeford was brought to the bar, and asked what he had to alledge in his defence; but not being able to disprove the charge, he and the witnesses against him were ordered to withdraw, and a sharp sentence of punishment was decreed against him."

privileges, and may not have your possessions disturbed or your titles questioned, we only may be spoiled, thrown out of our towns, and our goods taken from us, 't is time to examine how we have lost those privileges, and to try all possible ways, by the help of God, the law of the land, and the affection of all our good subjects, to recover them, and to vindicate ourself from those injuries; and if we shall miscarry herein, we shall be the first prince in this kingdom that hath done so — having no other end but to defend the true protestant profession, the law of the land, and the liberty of the subject. And God so deal with us as we continue in those resolutions." And in a subsequent more elaborate paper, drawn forth by an order of the commons justifying Hotham, and "suppressing" the forces the king had raised against Hull, Charles writes — or rather "Mr. Hyde" writes for him: "We are not unwilling to join issue with them in this way, and to let all the world know how necessary, just, and lawful all our proceedings have been in this point; and that the defence of these proceedings is the defence of the law of the land, of the liberty and property of the subject; and that by the same rule of justice, which is now offered to us, all the private interest and title of all our good subjects to all their lands and goods, are confounded and destroyed. Mr. Pym himself tells you, in his speech against the earl of Strafford (published by the order of the house of commons), 'The law is the safeguard, the custody of all private interests; your honours, your lives, your liberties, and estates, are all in the keeping of the law: without this, every man hath a like right to any thing.' And we would fain be answered. What title any subject of our kingdom hath to his house or land, that we have not to our town of Hull? Or what right hath he to his money, plate, or jewels, that we have not to our magazine or munition there? If we had ever such a title, we would know when we lost it. . . We conclude with Mr. Pym's own words: 'If the prerogative of the king overwhelm the

liberty of the people, it will be turned to tyranny: if liberty undermine the prerogative, it will grow into anarchy:' And so we say into confusion."

Now mark the answer of the commons, in perhaps the boldest and most remarkable state document of the time. The hand of Pym may be traced in every line of it. The commencement of the extract which follows is indeed almost literally copied from one of his finest speeches. "If," say the commons of England to their king, "*if we have done more than ever our ancestors have done, we have suffered more than ever they have suffered;* and yet, in point of modesty and duty, we shall not yield to the best of former times; and we shall put this in issue. Whether the highest and most unwarrantable proceedings of any of his majesty's predecessors do not fall short of, and much below, what hath been done to us this parliament: and on the other side, whether, if we should make the highest precedents of other parliaments our patterns, there would be cause to complain of 'want of modesty and duty in us;' when we have not so much as suffered such things to enter into our thoughts, which all the world knows they have put in action? Another charge which is laid very high upon us (and which were indeed a very great crime if we were found guilty thereof) is, 'that, by avowing this act of sir J. Hotham, we do, in consequence, confound and destroy the title and interest of all his majesty's good subjects to their lands and goods; and that upon this ground, that his majesty hath the same title to his own town of Hull, which any of his subjects have to their houses or lands; and the same to his magazine or munition there, that any man hath to his money, plate, or jewels; and therefore that they ought not to have been disposed of without or against his consent, no more than the house, land, money, plate, or jewels, of any subject ought to be, without or against his will.' —*Here that is laid down for a principle, which would indeed pull up the very foundation of the liberty, property, and interest, of every subject in particular, and*

of all the subjects in general; if we should admit it for a truth, 'that his majesty hath the same right and title to his towns and magazine (bought with the public monies, as we conceive that at Hull to have been) that every particular man hath to his house, lands, and goods;' *for his majesty's towns are no more his own than his kingdom is his own; and his kingdom is no more his own, than his people are his own;* and if the king had a property in all his towns, what would become of the subjects' property in their houses therein? and if he had a property in his kingdom, what would become of the subjects' property in their lands throughout the kingdom? or of their liberties, if his majesty had the same right in their persons, that every subject hath in their lands or goods? and what would become of all the subjects' interest in the town and forts of the kingdom, and in the kingdom itself, if his majesty might sell, or give them away, or dispose of them at his pleasure, as a particular man may do with his lands and with his goods? This erroneous maxim, being infused into princes, *that their kingdoms are their own, and that they may do with them what they will (as if their kingdoms were for them, and not they for their kingdoms), is the root of all the subjects' misery, and of all the invading of their just rights and liberties.* Whereas, indeed, they are only entrusted with their kingdoms, and with their towns, and with their people, and with the public treasure of the commonwealth and whatsoever is bought therewith. By the known law of this kingdom, the very jewels of the crown are not the king's proper goods, but are only intrusted to him for the use and ornament thereof; as the towns, forts, treasure, magazine, offices, and people of the kingdom, and the whole kingdom itself, are intrusted unto him for the good and safety and best advantage thereof: and as this trust is for the use of the kingdom, so ought it to be managed by the advice of the houses of parliament, whom the kingdom hath trusted for that purpose; it being their duty to see it be discharged according to the condition and true

intent thereof; and as much as in them lies, by all possible means to prevent the contrary; which if it hath been their chief care and only aim in the disposing of the town and magazine of Hull in such manner as they have done, they hope it will appear clearly to all the world, that they have discharged their own trust, and not invaded that of his majesty's; much less his property, which, in this case, they could not do."

A second answer was returned by the king, more weak and more elaborate than the first, and a vigorous remonstrance, recommended in an earnest and forcible speech by Pym [1], was forwarded to Charles. It opened with these words: "We, your majesty's most humble and loyal subjects, the lords and commons of this present parliament assembled, do hereby call God, this kingdom, and the whole world to witness, that we have, ever since our first meeting in this present parliament, with fidelity to your majesty and the state, with much patience and constancy, in respect of the great affronts and interruptions, the pernicious plots and attempts, wherewith we have been encountered, distracted, and opposed, employed our counsels and endeavours to maintain God's true religion, the honour and rights of your crown, the peace and safety of your royal person and your kingdoms, and the just liberties of your people; that so we might ease them of their great grievances, and prevent the fears and dangers, yea, the imminent ruin and destruction, which have been contrived and fostered, not only in your court, but even very near your own person; and however our liberties have been invaded, many of our lives endangered, and such attempts made upon us as might have subverted the very being of parliament, yet have we so kept ourselves within the bounds of modesty and duty, that we have given no just occasion of your majesty's absence at this time." In reference to a complaint in the king's last paper, the following remark is made: "And whereas his majesty saith, 'He

[1] See this speech in Cobbett's Parl. Hist. vol. ii. p. 1162.

could wish that his own immediate actions, which he avows on his own honour, might not be so roughly censured under that common style of evil counsellors:' we could also heartily wish, we had not cause to make that style so common; but how often and undutifully soever these wicked counsellors fix their dishonour upon the king, by making his majesty the author of those evil actions which are the effects of their own evil counsels, we, his majesty's loyal and dutiful subjects, can use no other style, according to that maxim in the law, 'The king can do no wrong:' but if any ill be committed in matter of state, the council must answer for it; if in matters of justice, the judges."

Every step in this paper war now brought the combatants nearer and nearer to a more real and a more fatal field. The great question on which all else depended was at last in vehement agitation—the command of the militia of the kingdom. The very condition of the parties between whom the discussion arose, precluded from the first the possibility of agreement. Some idea of the labour and research which Pym, notwithstanding, devoted to this memorable question, will be gathered from a curious document in the appendix of this volume[1], and which is highly characteristic of the man.

The disposal of the militia, however, cannot be argued, in the present case, on abstract grounds; though Pym has made out the most forcible case, even in that view, which has been yet attempted. The parliament had been undoubtedly forced into a position to make the demand they did[2], when, as a ground of trust, they required that the king should place the army and navy under the command of officers possessing the confidence of both houses. On refusal of this, he was asked whether, for a time,

[1] Appendix C

[2] Even lord Clarendon admits, on the passing of the militia ordinance, that "when this bill had been, with much ado, accepted, and first read, there were few men who imagined it would ever receive farther countenance, but now there were few, who did not believe it to be a very necessary provision for the peace and safety of the kingdom, so great an impression had the late proceedings made upon them."

the militia might not be granted? "No, by God!" his sacred majesty, according to Rushworth [1], swore; "Not for an hour! You have asked that of me in this was never asked of any king, and with which I will not trust my wife and children."

On a subsequent motion by Pym, the commons unanimously passed their ordinance for disposing the militia, and sent it up to the lords. Meanwhile they again memorialised his majesty, who, in return, vapoured upon them thus:—"We will propose no more particulars to you, having no luck to please, or to be understood by you. Take your own time for what concerns our particular; but be sure you have an early, speedy care of the public; that is, of the only rule that preserves the public, the law of the land: preserve the dignity and reverence due to that. It was well said in a speech made by a private person (it was Mr. Pym's speech against the earl of Strafford, and formerly quoted by us)—'The law is that which puts a difference betwixt good and evil, betwixt just and unjust. If you take away the law, all things will fall into a confusion; every man will become a law unto himself, which, in the depraved condition of human nature, must needs produce many great enormities. Lust will become a law, and envy will become a law; covetousness and ambition will become laws; and what dictates, what decisions such laws will produce, may easily be discerned.' So said that gentleman, and much more, very well, in defence of the law, and against arbitrary power. It is worth looking over and considering; and if the most zealous defence of the true protestant profession, and the most resolved protection of the law, be the most necessary duty of a prince, we cannot believe this miserable distance and misunderstanding can be long continued between us; we have often and earnestly declared them to be the chiefest desires of our soul, and the end and rule of all our actions." And again, in one of his subsequent productions, he returned to the same strain.

[1] Vol iv. p 533.

"We remembered them long ago, and we cannot do it too often, of that excellent speech of Mr. Pym's—The law is that which puts a difference," &c. And Mr. Hallam can say of these tedious and evasive documents, that they excel the manly, earnest, and straightforward productions of the popular leaders!

The next motion of the commons "shook Charles's throne and title to the centre."[1] After obtaining, by a masterly stroke of vigorous policy, possession of the fleet, they passed the three following resolutions:—"1. That it appears that the king, seduced by wicked counsel, intends to make war against the parliament, who, in all their consultations and actions, have proposed no other end unto themselves but the care of his kingdoms and the performance of all duty and loyalty to his person. 2. That whensoever the king maketh war upon the parliament, it is a breach of the trust reposed in him by his people, contrary to his oath, and tending to the dissolution of his government. 3. That whosoever shall serve or assist him in such wars, are traitors by the fundamental laws of this kingdom, and have been so adjudged by two acts of parliament, and ought to suffer as traitors."

The king now, in his turn, denounced the militia ordinance as illegal, and began to issue his commissions of array. On the 12th of July the commons voted the raising of an army, to be commanded in chief by the earl of Essex. Some days after, a proclamation from the king declared Essex a traitor.

At this point a temporary pause may be made, for the purpose of introducing a speech by Pym[2], of a style very different from any that has yet been given, but conceived and expressed in exactly that sort of exquisite gravity of humour, which such a subject was likely to call forth from such a speaker. On the publication of the militia ordinance, sir Edward Dering,—

[1] History from Macintosh, vol. v. p. 304.

[2] This speech appears anonymously in the common parliamentary histories, but in the Journals it is given to Pym.

whose fantastic vanity, before adverted to, had already separated him from the popular party and banished him from the house,—bethought himself of a new project for notoriety; and, "albeit a justice of the peace," presented himself with some equally dignified friends as candidates to serve on the grand jury of the county of Kent (which he had before represented in the commons); which being allowed, he wheedled all the jurors into his purpose; or, in the words of the charge preferred against him, having drawn up the heads of a strong petition against the militia ordinance and the house of commons, he "did tender the said heads to the said grand jury; and did then and there wickedly and unlawfully persuade, labour, and solicit the rest of the grand jury to agree to the same; and have them drawn into a petition to the parliament, to be presented by the said grand jury to the judge of the said assizes and the rest of the bench there, to be by them assented to and approved of; and did then and there wickedly conjure the said grand jury to secrecy, and not to discover any thing touching the said petition, till it should be by them agreed upon and presented as aforesaid; falsely persuading them that they were thereunto bound by their oath." Some of the jury consented; some refused; but sir Edward persisted, ultimately managed to present his petition to the judges, and was proposing to do a vast deal more, when "Mr. Pym" interfered, lodged an information against him, and supported it, before the house of lords, in the following admirable speech of grave satirical humour.

"Your lordships see by this that hath been read unto you, that *nondum recentis Ilii fatum stetit*; that, notwithstanding the many strange and variable attempts against the parliament, and their wonderful and miraculous preservations, yet mischief is so fruitful and generative as to produce a new brood of serpents, which are continually hissing, maligning, and practising against the pious and noble endeavours of both houses, and against the peace, prosperity, and happiness of this

afflicted kingdom. If the evil and seducing spirit which doth animate those designs were asked from whence he comes, doubtless his answer would be, 'from compassing the earth,' having removed his scene into many several parts, and found so many friends and patrons of his audacious achievements, amongst whom this gentleman, sir Edward Dering, is one; a man of mark and eminency; of wit, learning, and zeal, at least in shew and appearance; and yet all these miserably shipwreck'd upon the shelves and sands of the Kentish shore! The thing itself appears to your lordships to be a manifest breach of the rules of law, justice, and religion; and yet, under the cloak of all three, a fast must be proclaimed to take away Naboth and his vineyard! The yeomanry of Kent, heretofore in great esteem, is now become vile and contemptible; an extraordinary grand jury must be prepared of knights, gentlemen, and justices of the peace, for some extraordinary service—what it is your lordships have heard. They must descend from their places on the bench, and from themselves too, not to serve their country (for that were no disparagement), but to serve their own unworthy, ambitious, and seditious ends.

"This gentleman, a ringleader, late a member of the house of commons, the grand jury of the whole kingdom (and there so highly esteeming of his wisdom), is contented now to descend so low as to become one of the common jury of the county. Such is the meanness and pusillanimity of high thoughts, as, for compassing of their own ends, to stoop to any condition, how low soever it may be!

"Having set the cards, however, he plays the game very foully. He leads his fellows out of the way, and makes them, like ill hunters, instead of following the chase, at the quest of one ill mouth to fall upon a flock of sheep! Their duty was to have inquired, diligently, of the matters given them in charge. Surely this was out of the charge, because the judge had told them it was out of his commission. And yet they

leave other matters, which they were charged with, as accidents and trifles; and insist upon this, which they had nothing to do with, as the principal business.

"He obtrudes on them, also, be it observed, divers monstrous and seditious heads; and, by sinister suggestions, labours, and solicitations, which ought not to be used to a jury; and, by a kind of violence offered them, seeks to enforce them to a consent, contrary to their own reason, judgment, and consciences, when they refused, opposed, and protested against it. Failing of this,

"*Flectere si nequeam superos, acheronta movebo!* instead of inquiring upon the statute of witchcraft and conjuration, he useth his conjurations and enchantments upon them, to conjure them to secrecy; falsely persuading them that they will be bound unto it by their oath. When all this would not serve, he then applies himself to the bench; and, by the enchantments and conjurations used there, prevails so far as to have it there voted and assented to, by such as were present; and, to give the more strength and countenance to it, wants not the aid and concurrence of some appearing reverend divines, and of civilians also; and sticks not to affirm, that he can have 40,000 persons to attend the petition! proclaims a meeting at Blackheath, a place fatal and ominous for actions of this nature! and all this under colour of a petition; being, in truth, a challenge, an adjuration, and a scandal upon the parliament; and purporting nothing else but a desperate design to put not only Kent, but, for aught is known, all Christendom into combustion, carrying sails full swollen with spite, arrogancy, and sedition.

"The particular instances I forbear to trouble your lordships with, because you will find some of them upon perusal of the petition. Many arguments might be used in aggravation of them, from the eminency of the power of the person, and the arrogancy of his mind; from the acrimony of his spirit, and from the topping place of Kent, which former ages have found obnoxious

to these infelicities[1]; which this gentleman, so well read in story, should have been mindful of in these troublesome times! But all these, and other circumstances, I leave to your lordships' noble and judicious consideration; desiring, amongst other motives, that your lordships will be pleased to reflect upon the acts of your own justice in a case of like nature; which, being first begun here, near at hand, might have spread the flame and contagion over all England, had not the great wisdom and justice of both houses in due time prevented it.

"I shall add no more at this time, but what I have read of a people in Africa, who sent a challenge to the wind; whereupon, at the meeting, the wind blew down mountains upon them and overwhelmed them. I hope those bold and insolent adventurers, who have presumed to send a challenge or defiance to the great houses, shall find a like stroke of their wonted power and justice; and that they shall meet with such a wind as will blow down their high thoughts upon themselves, return their votes into their own bosoms, and their mischievous designs upon their own heads!

"All which I am warranted, in the name of the house of commons, and of all the commons of England, to desire of your lordships; and that you will be pleased to make this gentleman, the principal author of this foul act, a spectacle and pattern of exemplary justice to present and future times."

On the 22nd of August, Charles I. erected his standard at Nottingham. The day was stormy and tempestuous, says Clarendon, and the king appeared more melancholic than he used to be. "The standard itself was blown down, the same night it had been set up, by a very strong and unruly wind, and could not be fixed again in a day or two, till the tempest was allayed." Essex was in the field almost equally soon;

[1] Pym here makes allusion to what has been commemorated so nobly by our great poet Wordsworth, in his sonnet beginning—"Vanguard of Liberty, ye men of Kent!"

and the green-coat regiments of Hampden, the London red-coats of Hollis, the purple of lord Brook, the blue of lord Say, were soon seen gathering over the English fields. Sir William Waller, the firm friend of the parliament, wrote to his "noble friend" sir Ralph Hopton, entirely devoted to the king, in these words: "My affections to you are so unchangeable, that hostility itself cannot violate my friendship to your person; but I must be true to the cause wherein I serve. The old limitation of *usque ad aras* holds still. . . . The great God, who is the searcher of my heart, knows with what reluctance I go upon this service, and with what perfect hatred I look upon a war without an enemy. But I look upon it as *opus Domini*, and that is enough to silence all passion in me. The God of peace in his good time send us peace, and in the meantime fit us to receive it! We are both on the stage, and we must act the parts that are assigned us in this tragedy. Let us do it in a way of honour, and without personal animosities." It stands on record, to the immortal honour of the English character, that in this noble and affecting spirit, with very rare exceptions, our great civil war was to the last fought out on both sides.

None of its details, however, belong to this memoir. To Pym was entrusted the momentous duty of watching over, and conducting, the affairs of parliament and the executive, while the majority of his friends were absent in the war. The executive power had been vested in what was styled a "committee of safety," comprising five peers—Essex, Northumberland, Pembroke, Holland, and Say; and ten commoners—Pym, Hampden, Hollis, Marten, Fiennes, Pierrepoint, Glyn, sir William Waller, sir Philip Stapleton, and sir John Meyrick. But all its most arduous duties fell upon Pym, and to their performance, with his old and unwearied energy, he entirely devoted what was left of his great and useful life.

With a view to that solemnity which was thought befitting the capital of a country through which civil war now raged, one of the first acts of the houses was the

issue of an order that, during the present period of calamity, "when humiliation and prayer better became the state of public affairs than mirth and levity," all public stage-plays should cease and be forborne. There is something grand in this, with which the liveliest and most liberal imagination amongst us now need not fail to sympathise. The players, however, were not discomfited. Scorning plain prose, they sent up a rhymed petition to the houses, and then followed the army of the king. From the petition itself a line or two may serve—

> * * * We vow
> Not to act anything you disallow.
> We will not dare at your strange votes to jeer,
> Or personate king Pym with his state fleer [1]

"King" Pym was a favourite and scarcely objectionable term of royalist reproach, against one who reigned with absolute power over the affections of the great mass of the English people.

As the players went out, pamphlets and newspapers, a new, and many may think a somewhat less exceptionable, series of "abstract and brief chronicles of the time," came in. Now, "News from Hull," "Truths from York," and "Warranted Tidings from Ireland," coursed the country side; now, the "Scots' Dove" assaulted and tore to pieces the "Parliament Kite" or the "Secret Owl;" and the "Weekly Discoverer" suddenly found himself "The Discoverer stript naked." The principal regular newspapers, however, were, on the side of the parliament, the Mercurius Britannicus, written by the famous Marchamont Needham, or "foul-mouthed Ned," as his polite opponents styled him; and, on the king's side, the Mercurius Aulicus, published under the classic auspices of Oxford, and written,

[1] King Pym has been personated at last, however, or if not personated, at least delineated, by Mr Browning, with infinite force, expression, and beauty, in the recent tragedy of "Strafford." But the offences against Pym at this time were not all so harmless as that alluded to in the text. I copy from the Old Parl. Hist. vol. ii. p. 266. "Two were tried this day at the lords' bar; one of them, Mr Windebank, for saying, 'that Mr Pym had taken a bribe of 30*l.* sitting in the chair in Easter term; that he had as many sugar loaves given for bribes, as he had sold for 6 or 700*l.* That before he was a parliament man he was worth little, but he had now cozened the king of as much money as he had bought a good estate, *and given 10,000l. of the king's money to the marriage of his daughter*."

as Needham used to say, "by Birkenhead the scribe (afterwards sir John), secretary Nicholas the informer, George Digby the contriver," and that very reverend divine, doctor Peter Heylin. The wars of these rival journalists were carried on without much scruple on either side, though the court, undoubtedly, carried off the palm for indecency; and they served to disseminate, in every possible shape, the fiercest hate and malice. I have examined them all (I believe), with the utmost care, and shall be able to illustrate the remaining part of my subject with an occasional extract.

The exertions which Pym found requisite to maintain the interest and honour of parliament at this time, are almost incredible; and as the chequered fortunes of the parliamentarian army darkened into positive losses, the difficulties of his position were only less extraordinary than the resources they called forth from him. "From three of the clock in the morning to the evening, and from evening to midnight," says an unimpeachable witness, Dr. Marshall[1], who stood by his side, he laboured in the service of the commonwealth. Now on the field of action, consulting with Hampden; now in the tent of Essex, strengthening his failing purpose; again at Westminster; and then among the London citizens: — it was Pym, and Pym alone, who held at this awful crisis the frame of the executive together.

And, what in this was probably the most extraordinary, his influence sustained itself in defiance of all the violent changes and affections of the short-sighted multitude. In the opening months of the war, for instance, a negotiation with the king was opened, and became highly unpopular. Pym acknowledged its propriety, however, and, with some of the committee, presented himself at the Guildhall, and thus addressed the authorities[2]: —

"My lord mayor and gentlemen, I and my colleagues are here to represent to you (to you of this famous city

[1] Funeral Sermon, p. 36.
[2] This speech is not in Rushworth. I copy from an edition printed "for Peter Cole."

of London, who will make it much more famous by these noble affections, which you have shewed still to the public good, and by yielding so much aid and so much encouragement as you have done to the parliament in maintaining it !) the state of both houses, and the reasons and motives upon which they did desire peace ; motives, indeed, that have wrought with us from the beginning of this war to this time ; for we should never have stepped one step towards war, if we might have had, or hoped for, such a peace as might have secured religion and liberty, and the public good of the kingdom. But truly ill counsel did exclude us from such hope.

"We now conceive that the king, having seen the courage of his subjects, having seen the danger of his own person, and so much blood shed about him, will be more tractable to good conditions of peace, than he would have been before ; and that is the reason why we do think fit to try him, once more, after this battle that hath been lately fought, before it come to another battle.

"It is true, that this may seem a resolution contrary to that which was opened to you within these few days ; but you will conceive, that all great councils are subject to alter their resolutions, according as matters alter, and as the apprehensions of matters alter ; for if things appear more clear and hopeful to them at one time than another, it is no dishonour for them to vary according to their appearance, judgments, and best reasons, so long as they do it with affections to the best purpose, which you may rest assured the parliament hath done. And though we desire peace very much, yet a peace to betray religion, or to betray our liberties, we shall always esteem worse than war ; therefore we shall put it to a very quick issue, if the king receive the petition, to make such propositions as you may see.

"First, whether you shall be secured in your religion ; in your religion with a hope of reformation ; such a reformation as may maintain the power of religion, and the purity of religion, as well as the name of

religion, for we shall not be contented with the name, nor without a reformation that shall maintain the power of it. Next, we shall pursue the maintenance of our liberties, liberties that may not only be in laws and statutes, but liberties that may be in practice and in execution; and to take such course, that you may have the effects of them in truth; for to have printed liberties, and not to have liberties in truth and reality, is but to mock the kingdom: and I hope we shall take care for that in the second place. Thirdly, we shall take care to maintain the dignity and the honour of parliament, for that is what will be a lasting security to you in your liberty and religion. We shall take care, in the fourth place, to answer the affections of the city of London, that we will not consent to anything that shall be prejudicial to them. We will preserve them in the highest degree of honour, that ever this city of London was in; and truly it is now in the highest degree of honour that ever it was, for you have carried yourselves in such a regard to the public, as never any of your predecessors did before; and therefore we shall, in a peace, be as careful of you as of ourselves: and you may be assured of this, that if we have not this peace, our lives, our pains, our estates, they shall all join with you in maintaining that with the sword, which we can not get in an humble way by petition. And this, I again say, we shall bring to a quick issue.

"Therefore I shall only move you, as I am commanded to do from the parliament, that you will not think there is any fainting on our parts; that we are more cold or less affectionate to any of these good ends than heretofore we have been; but that we would compass them with more secure advantage. For if you can get these by peace, you will have great advantages by it: you will hinder foreign invasions from beyond the seas; you will quickly be able to master the rebels in Ireland; you will quickly be able to suppress the papists that begin to rise in England; — then you shall have a perpetual security, that they shall never be able to hurt you more.

Therefore, if we can have such a peace without further hazard and blood-shedding, we shall praise God, and esteem it as a great blessing. But if not, pray lay not down the same spirits, for we have the same hearts, and multitudes of spirits, and the kingdom inclinable to us. Where the king has been, many, to save their estates and lives, have shewed themselves but men; for it was not to be thought that single counties should maintain themselves against an army; — but they have hearts as they had theretofore; and no doubt but they will join with us, with more alacrity, when they see we have desired peace by all the ways we could, and cannot have it.

"We shall, by this means, satisfy our own consciences; we shall satisfy many members of parliament, that desired it might be put on this way; we shall satisfy many of the kingdom too, that have held themselves indifferent; but when they see there is no hope of peace, in such a way, without blood, certainly they will stand to us for religion and liberty, which must be destroyed if we cannot secure them without war. Therefore, I shall commend to you, that you would not let fall any part of your contributions, for it is that which must maintain the army; nor entertain ill apprehensions of the parliament; but go on so as you have done. The end of all, I hope, will be such that God may have all the glory, and you all the comfort!"

Two little months after, however, when war, again less successfully resumed, was not so popular, he presented himself in the same place, and requested from the same authorities a further assessment of supply upon the citizens.

"My lord mayor and gentlemen," he said, "we come not to tell your lordship and these worthy citizens only our wants and dangers, but we come to speak the thanks of the parliament to you, for that which you have already done; for that you have shewed so much affection to the public, and that it hath produced so good effects throughout the whole kingdom. Now you have indeed an army raised, most out of this city, able to

defend (with God's blessing) the religion and liberty of the kingdom, if it may be upheld! And we come not only to give you thanks for that which you have done, but to stir you up to join with us in giving thanks to God that hath given such a blessing to our endeavours, that when, by letters sent into all parts almost, our enemies did presume beforehand to triumph in the ruin and plundering of this city, God prevented it, and hath kept you safe; kept your houses, your walls, your suburbs, safe from that that was intended against you! And now, truly, as we have sought for this blessing by fasting and by prayer, so it is fit that we should testify our thanksgiving for it; and this is a necessary part of our errand which we are sent about. And that we may be serviceable to God's providence still, as he hath stirred up your hearts to do so much already, so that he would stir you up still to continue to do that which is fit to be done for the future; and that you will do it in such a way as may be most pleasing to yourselves.

"We come not hither, that, by any consent here in public, you should bind yourselves in particular; but we come to let you know the dangers of the kingdom, with the sense the parliament hath of it, and of the city especially; that you may not lose that which hath been already done, but that you may go on still chearfully to do the full work. And we come to tell you that the parliament doth intend the burden shall not lie upon you that are well affected and come in voluntarily; but that they have thought upon a way, and have begun it already, and I hope, within two or three days at the most, it shall be published to you, that all that are indisposed shall be forced to do that, which, out of readiness and chearfulnesse to the public good, they will not do of themselves. Neither limit we it to the city and suburbs; but we are in a course to draw in all the counties of the kingdom, that as the burden is universal, so the aid may be universal. These are the thoughts of the parliament.

"If it please God to bless your forces that are al-

ready raised and continued, we hope you shall not only see peace again in the kingdom, and security for your religion, but see that the burden shall lie upon those who have been the engines and actors of the mischiefs and troubles that are come upon us. They shall then recompense the charges you have been at already!

"This is the intention of the parliament. Only for the present do somewhat! Every man, as God shall enable him, do somewhat! Thus we may meet the present necessities, and prevent the dangers that require a present subsistence, and present supply of the army; without which, what is it will follow, but the danger of the city, the ruin of the countries about, the stopping up of the river, which is almost taken from you, and the loss of the sea coasts! You cannot have better hearts than you have; God hath enabled many of you with purses; I hope it will be so readily disposed, that we shall have a full joy in the recompence of it, and of the retribution. This let us all pray to God to bring to pass."

A supply followed this speech, which is an exquisite specimen of those "wonderful popular arts" which Clarendon ascribes to Pym. It would, indeed, be difficult to imagine any thing better adapted to the occasion — so forcible, yet worded with such nice subtlety, as the passages which have just been quoted. Meanwhile the king, heated with his imagined successes, addressed a paper to the city of London, in the highest style of a conqueror. Their recent actions he represented herein as outrages of so tremendous a nature, that they called down the immediate vengeance of God, unless the city would purge itself of guilt, by delivering up to him their pretended lord mayor, and other leaders, whom he had particularly marked as traitors in his proclamations;[1] he graciously offered pardon to the rest, and added that he would give them the honour of his presence, when they should put themselves in a proper posture to receive him; with a warning, that whosoever

[1] These were Ven, Foulke, and Manwaring.

should henceforward contribute, by the payment of tonnage and poundage, or any other tax, on what pretence of authority soever, to the maintenance of the army under the earl of Essex, must expect the severest punishment the law could inflict. He concluded with an express command, that this his manifesto should be read out publicly in the city of London. This command, at least, was obeyed. The parliament was communicated with, and a committee of both houses were present when it was read.

"Methinks I see him" says Mr. Godwin, in reference to this period, "methinks I see Charles, in his principal entrance into London, surrounded by all his minions and myrmidons, his horse's hoofs wet with his country's blood."

But this was not to be while Pym lived. The king's manifesto was read, and a deep silence followed — when "Mr. Pym, that worthy member of the house of commons and patriot of his country," as Peter Cole styles him in his edition of the speech, rose and commented, elaborately but with singular force and clearness, on the various allegations of Charles. He acknowledged the generous and magnanimous conduct of the city, and their steady adherence to the principles of liberty: he avowed, that all those actions with which they had been reproached by the king had been done in obedience to the commands of parliament: he vindicated those commands, and shewed that the king's answer was a libel, stuffed with scandalous, injurious aspersions on the two respectable bodies of parliament and city: as to the king's assertion, that he was driven by tumults out of the city, Pym remembered the company of the king's going the day after his attempt to seize the members into the city, without a guard; and his residing divers days at Whitehall, Hampton-court, and Windsor, without any attempt which could give him apprehension of fear. On Charles's accusation against the two houses, of destroying the property of the subject, by taking away the twentieth part by an arbitrary power, Pym observed, that there

was little reason for this objection on his majesty's behalf, when it was well known, that from the subjects who were within the power of his army he did take the full yearly value of their lands, and in some cases more; that not only particular houses, but whole towns, had been plundered by command and design; and that by proclamations men were declared to forfeit all their estates, because they would not obey arbitrary commands. To the king's declaration, that he expected to be kept from tumults and affronts, Pym observed, that his majesty's expressions, in his answer, tending to the making a division in the city, and to the raising a party which might make disturbances in the orderly government now established in it, would be more prejudicial to his quiet abode in London than any thing which had ever been acted by the houses of parliament, or the present governors of the city. In conclusion, as to the threatening part of the matter, Pym added, with a stern indifference, that the danger arising from these ill councils which influenced the king, could not be kept off but by the power of arms; and that the lords and commons were so far from being frighted by his menaces, that they had just declared farther contribution towards the maintenance of the army; that they hoped for the continuance of the good affections of the city; and indeed desired that they would add at once some farther contributions towards the support of the forces which were now in existence for all their safeties.

The effect of this speech is strikingly described by the reporter. "At the end of every period *the applause was so great, that he was fain to rest till silence was again made*; and, at last (the company ready to be dissolved), after some pause and consultation with the committee of lords and commons then present, silence being made, he closed all with the words following: 'Worthy citizens, you have understood the sense of both houses of parliament, concerning my lord mayor here, and those worthy members of your city, that are demanded; you have heard the parliament de-

clare, that they will protect them in that which they have done by direction of both houses; and they expect that you should express it yourselves likewise, that if any violence be offered to them, you will secure and defend them with your uttermost force; and you shall always find, that this protection of the parliament shall not only extend to these, but to all others that have done any thing by their command.' Which words were no sooner uttered, but the citizens, with one joint harmony of minds and voices, gave such an acclamation as would have drowned all the former, if they had been then breathing; which, after a long continuance, resolved itself into this more articulate and distinct voice, 'We will live and die with them! We will live and die with them!' and the like. So that," concludes Mr. Peter Coles, "in the managing of this day's work, God was so pleased to manifest himself, that the well-affected went away not strengthened only, but rejoicing; and the malignants (as they have been called), some convinced, others silenced, many ashamed; — it fully appearing how little power they had to answer their desires of doing mischief. — Instead of dividing the city, the city were more exceedingly united; instead of a dissipation, thousands were unexpectedly brought, as it were, into an unthought of association, to live and die in the defence of those zealous and honourable assertors of their peace and liberties, all which we may sum up in that triumph of the man of God: 'In the thing wherein they dealt proudly, God was above them.'"

Proud indeed was Pym's bearing through these great extremities of the cause, which, however, now threatened to deepen daily. Sir William Waller suffered a serious check from his old friend sir Ralph Hopton, and was subsequently completely routed by Wilmot. Exeter and Bristol at about the same time surrendered to the king. The London people began to murmur, and the danger was imminent indeed.

Again Pym saved the commonwealth. The formidable conspiracy against the parliament, and the life of

Pym, its principal member, known by the name of Waller's plot, was now discovered by the unwearied and unwinking vigilance of the patriot, and the feeling produced by its disclosure reanimated the sympathies of the people. The plot had been got up by Edmund Waller the poet, in concert with two associates, named Challoner and Tomkins. The object was to seize the persons of Pym and the leading members of the commons, and deliver up the city to the king. The proceedings were nearly ripe, when, says Clarendon, "a servant of Mr. Tomkins, who had often cursorily overheard his master and Mr. Waller discourse of the argument, placed himself behind a hanging, at a time they were together;—and there, whilst either of them discoursed the language and opinion of the company they kept, overheard enough to make him believe his information and discovery would make him welcome to those whom he thought concerned; and so went to Mr. Pym, and acquainted him with all he had heard. The time when Mr. Pym was made acquainted with it is not known; but the circumstances of the publishing it were such as filled al men with apprehensions. It was on Wednesday the thirty-first of May, their solemn fast day, when, being all at their sermon, in St. Margaret's Church at Westminster, according to their custom, a letter or message is brought privately to Mr. Pym, who thereupon, with some of the most active members, rise from their seats; and, after a little whispering together, remove out of the church. This could not but exceedingly affect those who stayed behind. Immediately they sent guards to all the prisons, as Lambeth house, Ely house, and such places, where their malignants were in custody, with directions 'to search the prisoners,' and some other places which they thought fit should be suspected. After the sermons were ended, the houses met; and were only told, 'that letters were intercepted going to the king and the court at Oxford, that expressed some notable conspiracy in hand, to deliver

up the parliament and the city into the hands of the cavaliers; and that the time for the execution of it drew very near.' Hereupon a committee was appointed 'to examine all persons they thought fit, and to apprehend some nominated at that time.' And the same night, the committee apprehended Mr. Waller and Mr. Tomkins; and, the next day, such others as they thought fit."[1]

The utmost available use was made of this discovery by Pym, and the most striking was the introduction of a vow against this or any similar design, which, though nominally optional, served all the purposes of a test. Tomkins and Challoner were tried and executed; and died acknowledging the justice of their punishment. Waller had disclosed so much, that on the payment of a fine of 10,000*l.* and a year's imprisonment, he was suffered to carry his ignominy to France. The whole course and management of the plot, and its discovery, were enlarged on in the city with Pym's usual adroitness and popular power, and a copy of the elaborate speech he delivered at the Guildhall, "corrected by his own hand," will be found in the appendix.[2]

Still the king's successes continued, and still the inadequacy and slackness of Essex became more and more apparent. A proclamation appeared from Charles promising free pardon to all, with some few exceptions[3], on the laying down of arms. The exceptions included Pym and Hampden, as principal traitors.

[1] Hist vol iv. p 66, 67. In No 112 of King's Pamphlets, part 14 p 300., is a preposterous account of this plot, stating that it was merely a "commission issued by Charles against traitors," and that certain members of the house of commons, assuming themselves to be the traitors, having found in whose hands the commission was, "on Wednesday, May the 31st. when the rest of their body were at church to observe the fast, some fifty of them went into the house of commons, and delegated the whole power of the house to master Pym, master Glyn, Mr. St John, sir Harry Vane the younger, and sir Gilbert Gerard: who, raising the trained bands, seized upon such persons as they thought were likely to cross their purposes, and filled the town with all the noise and clamour before remembered," &c. &c. The only effect of this is to implicate the king more deeply in the treachery

[2] Appendix A.

[3] See Parl. Hist. vol. xii. p 311, 312.

Some of the moderate presbyterians[1] in the house showed signs of wincing. The answer of Pym was one of the boldest and most decisive measures yet adopted. He carried up an impeachment against the queen[2], which Hollis has commemorated in his memoirs as the first great victory gained by the independents over the presbyterians. It is clear to me that the great patriot resorted to this as a stroke of immediate policy alone, and without any view to serious measures against Henrietta. (I am equally certain that, had Pym survived, poor feeble Laud would not have died upon the scaffold.) Any hope of compromise with the house of commons, as a body, after the queen's impeachment, was utterly hopeless.

The abuses poured out from Oxford upon Pym, were commensurate with these services to the "good old cause." "Mercurius Aulicus" of March the 8th, 1643, observes: — "It was carried from London, by letters of the 2d of March, that in the house of commons, the day before, there had been a great adoe about his majestie's proclamation, prohibiting the association pro-

[1] By the aid of this very party, Pym was foiled more than once in a moderate and generous policy as to the *conduct* of the war. From one of the newspapers of a few months before, for instance, I take the following: — "It was advertized from London, that upon Wednesday, May 17, at the recommendation of the earle of Essex, a motion was made in the house of commons, that the countesse of Rivers might have her coach-horses restored, which had before beene taken from her by some of the horse-takers for the two houses of parliament, which, though it was a very easie courtesie, considering that she had been rifled by them (as themselves confessed) to the value of *10,000l.*, and that it was proposed by Master Pym (no meane man I hope), would by no means passe."

[2] "A message being sent up from the lower house, to desire the lords to sit awhile, for they had a matter of great importance to communicate to them, soon after came up Mr Pym to acquaint their lordships that the commons had discharged their consciences by the following vote which they had passed: — 'That the queen had levied war against the parliament and kingdom,' and having discharged their consciences, they think it fit to discharge their duty too, and said, he was commanded by the house of commons assembled in parliament, in the name of themselves, and of all the commons of England, to accuse and impeach, and he did accordingly now accuse and impeach, Henrietta Maria, queen of England, of high treason. And they desired their lordships to issue forth proclamations to summon her to appear before them, and receive a trial and due sentence for the same. It is observable that these votes were carried in the house of commons *nem. con.* The queen had just before met the king at Edge Hill, with a reinforcement of 3,000 foot, 30 troops of horse and dragoons, and six pieces of cannon, besides great store of other warlike ammunition, which made the house of commons so exasperated against her." — *Parl. Hist.* vol. xii. p. 265.

jected and agreed upon by them[3] between the counties of Kent, Surrey, Sussex, and Hampshire; which was inveighed against with all possible acrimony by Mr. Pym, who spake against it no less than seven times, and that with so much violence and passion that he was faine to take breath." Some passages follow that may not with propriety be quoted, concerning the "hums and plaudites" bestowed upon "this Mr. Pym." The same respectable journal of a few weeks later, after describing the shift to which the commons had been put for want of money, and a warrant circulated by lady Waller to arrest the deserters from her husband's army, proceeds thus: — "This warrant a gentleman of good credit saw this week, which you must suppose was drawn up at the honourable she-committee, which is ever full of feares and sadnesse *lest that good fat man, master John Pym, should lose his vote, by going to master Hampden upon some earnest businesse.*" "He tells us," rejoins Needham to this in the "Mercurius Britannicus," "he tells us of our she-committee again. Aulicus, let our ladies alone, they love not to be handled like yours at Oxford." Pym's change of residence has the honour of mention in a succeeding "Aulicus": — "It is signifiede in the same letters, that the committee for disposing of delinquents' estates, have appointed the earl of Derby's house in Westminster to be a dwelling for Mr. Pym, with especial direction that he be not too modest or reserved in the use thereof; and that others of the houses and household staffe about the tower are like to be disposed, by the same authoritie (*to whose share, think you, will Whitehall fall in this distribution?*)" On the other hand, an opposition journal states a very handsome tribute to the patriot, as paid by the court at Oxford: — "It is credibly affirmed that the cavaliers do usually drink this wicked and blasphemous health, viz.—'1. A health to his majestie, by whom we live, move, and have our being. 2. A health to the confusion of Pym,

[1] By Hampden and Pym. See Life of Hampden, post, p. 351.

his God, and his gospel.'" One extract more from the Oxford court journal: — "From London we are certified, that one master Carleton hath so frequently feasted the worthy members, one whereof was master Pym (who, the world knowes, is a man of quick dispatch), that they have eaten the said Carleton into a pretty broken fortune, and rendered him fit to be a new common councilman; but to make him whole again, the worthies have preferred him to a captaine's place in his excellencie's army, where, if he thrive apace, he may rise to be as high as Manwaring or Ven, *at least* as great as the earle of Essex."

Nor was this the only kind of attack now made upon the patriot. Clarendon boldly affirms, "that his power of doing shrewd turns was extraordinary, and no less in doing good offices for particular persons; and that he did preserve many from censure, who were under the severe displeasure of the houses, and looked upon as eminent delinquents; and the quality of many of them made it believed, that he had sold that protection for valuable considerations."[1] This latter deduction may be supposed to rest on the same authority to which lord Clarendon has confessed himself indebted for other slanders against the patriot — that of "an obscure person or two."[1] The incident, without the deduction, would have better deserved mention, as an evidence of Pym's generosity and kindness. But the wonder would have been, if such a forward and eminent person as Pym, in times of such exasperation, had escaped these fiercest slanders. They passed unnoticed by himself; but the commons themselves interfered at last. When sir John Hotham, for instance, brought to the bar of the house for desertion to the king, was asked, "'Whether he knew of any members of that house, or of the lords, that had conveyed any treasure beyond seas? He answered, he knew of none, if he were to die that instant. And being again asked, whether he knew that Mr. Pym had conveyed any treasure in like

[1] See the text restored in Clarendon, vol. i. p. 493.

manner; *with some astonishment he asked,* — *if that questiòn was asked him in earnest?* protested he knew nothing of it, and that he had never reported any such thing.'" I will quote the sequel of this, as it is given in the Parliamentary History.[1] "In the course of these examinations, the reader may observe, that Mr. Pym is mentioned as charged with some indirect practices. To do justice to that great man, on the same day, Sir Edward Bainton, a member of the house of commons was sent for, charged with saying, that the Lord Say and Mr. Pym had betrayed the west and north; and being demanded, whether he had spoke those words charged upon him, answered: — he did not speak them as they were there laid down. Being then demanded what he had spoken to that purpose; answered, that he had learned, since he had sat here, that he ought not to speak anything here that reflected to the prejudice of another member; and therefore desired to be excused, unless he were enjoined and commanded. Whereupon, he *was enjoined* to speak the whole truth; and then he said, that he did not say that Mr. Pym had betrayed the west, but that he had betrayed his county; which he did, by being a means of detaining him in prison, who only was able to maintain and preserve that county, till the said county was quite lost, notwithstanding many orders made for his bringing up. As for betraying the north, he knew nothing more of that than he had heard in the house, which sounded bad enough; viz., that the offer of the lord Savile and sir William Savile, to deliver up to the parliament's forces York, and that whole county, if they might not be prejudiced in their persons and estates, was prevented: adding, that he had heard it said and affirmed, with solemn and deep oaths and protestations, that the lord Cottington had treated with his majesty for the pardon of the lord Say and Mr. Pym; and that if they had had the preferments they expected, we had not been brough to the condition we now are in. Being demanded from whom he heard this, an-

[1] Parl. Hist. vol. xii. p 379.

swered, it was from the lord Grandison's brother, lieutenant-colonel Brett, and serjeant-major Juques, all officers in the king's army, and prisoners with him at Gloucester. Mr. Pym, in answer to the charge, protested solemnly, that he never had intercourse with the lord Cottington, by one means or other, since difference between the king and parliament. That he never received but two messages from him since this parliament began; the one was by sir Arthur Ingram, long before he died; the other by sir Benjamin Rudyard. Upon the whole, the commons voted the charge laid upon Mr. Pym by sir Edward Bainton, to be false and scandalous; and that the said sir Edward should be forthwith sent to the Tower, there to remain a prisoner during the pleasure of the house."

Increasing in malignity, however, Pym's slanderers now fixed upon his religious faith and personal relation to the king, and levelled such monstrous charges against him in regard to both, that he thought it necessary at last to issue a "declaration and vindication," which will be found at length in the Appendix.[1] In this, with great modesty of language and feeling, he compares his fate with that of "the orator and patriot of his country, Cicero." "I will not," he says, "be so arrogant as to parallel myself to that worthy; yet my case, if we may compare lesser things with great, hath to his a very near resemblance; the reason I am so much maligned and reproached by ill-affected persons being, because I have been forward in advancing the affairs of the kingdom, and have been taken notice of for that forwardness; they, out of their malice, converting that to a vice, which, without boast be it spoken, I esteem my greatest virtue." He concluded with affirming his continued attachment to a form of limited and constitutional monarchy in England. Such a monarchy[2], had his life and that of Hampden been spared,

[1] Appendix E

[2] Shortly before the death of Pym, the elector palatine sent letters to the parliament, declaring his satisfaction with the covenant, and bemoaning the conduct of his brother, prince Rupert, in fighting against the legis-

would, in all probability, have resulted from the war; and the settlement of its conditions, and of the true extent of the power and authority of the people, would doubtless have put to shame the feeble and uncertain settlement of 1688. But this hope was already vain.

News of Hampden's death had reached London, and Pym felt himself sinking under a gradual and wearing illness. His labours had overtasked his strength. Still he appeared in the house of commons, however, and had still one of the greatest achievements of his life to perform.[1]

Sanguine hopes prevailed at Oxford that the way to London was open at last. Waller was routed in the west, and the strong places were in Charles's hands. Gainsborough was re-captured, and Hull in imminent danger. The queen joined the king with a reinforcement, and London was without an army or fortifications for its defence. But Pym was there! The Mercurius Aulicus had heard of his illness, however, and took occasion to throw out the following significant hint: — "We are heare very glad to heare that the French ambassadour is most certainly arrived, and doth now reside at Sommerset House; the king and queen doe both desire that he may be the happy meanes to settle peace in this kingdome, and that Pym, if he be sicke, for so we are certifide by letters, may live to see the

lative body. This very constitutional allegiance obtained, eventually, for the elector, a pension from the parliament more than equivalent to that which he had been accustomed to receive from the king. The elector himself arrived in England just after Pym's decease. Is it possible that something *more* than this grant, frustrated by the patriot's death, had been secretly in agitation, and that Pym had originally contemplated the introduction of this electoral prince as the founder of a new royal dynasty, if it became necessary to depose Charles I.?

[1] In a recent compilation, entitled "Memoirs of Selden," Pym receives casual mention, at this period, as having singular influence. "Mr. Baillie," says the compiler, "gives this instance of the popularity of Mr. Pym, in 1643. 'On Wednesday, Mr. Pym was carried from his house to Westminster, on the shoulders of the chief men in the lower house, all the house going in procession before him.'" Poor Mr. Baillie little thought the use his description of the patriot's funeral would be put to! It was, alas! the dead body of Pym thus carried by his old friends to its last resting place, in testimony of their affectionate respect.

king againe, and, by asking God forgivenesse, may die in his bed; a mercy which he does not deserve." This perfidious suggestion availed nothing. Pym was not yet so ill, but that he retained his intellect, and, with that, his power; and now he used them both, with a last and memorable effect, against the king.

Essex, despairing, or willing to compromise, wrote to the house of lords [1], advising accommodation. A petition was voted accordingly, and was taken into consideration by the commons after a vehement struggle; but ultimately, by the unparalleled efforts of Pym and St. John, a majority of two was obtained against it. All the pulpits of London were brought into requisition, and the people wrought to the last pitch of political and religious enthusiasm. Yet the danger of the defenceless state of the capital remained unprovided against, and the discontent of Essex himself threatened the worst of dangers. Then it was that Pym nobly discharged himself of his last duty to the commonwealth, and, oppressed with illness as he was, presented himself with St. John, at the tent of Essex, and there, as Clarendon says [2], by "his power and dexterity, wholly

[1] Many of the lords, originally left in the executive, were now sighing once more for the court, and several unseemly exhibitions had already taken place between them and the more resolute members of the commons. The following is from a curious pamphlet of the time — "The committee for the house of commons, which came from Oxford, made a relation to the house of his majesty's answer, which was much commended and extolled by all moderate men, and thought to be both full and satisfactorie, but that upon the other side it was so farre from pleasing the engaged *malignant* party, that master Martyn said expressly yt it was rather to be scorned than answered; and finally, that at a conference the same day betwixt the houses, for giving some answer to his majestie's messages, in the painted chamber, the earle of Northumberland, standing by the fire, asked master Martyn whom he found there, why he brake open certain letters which were sent to him to Oxford (for such a saucy trick had been put upon him), and finding little reason for it in his reply, gave him a bastinado with his cane, and a blow with his fist, whereupon Martyn, getting near him, caught him by the collar of his doublet, or, as some say, by his George, which occasioned divers of the standers by to draw their swords, amongst whom, the earl of Pembroke is said to be one, *and master Pym another*. And it was certified, with all, that the quarrell is so much resented, that the commons have voted it to be a breach of their privilege, and the lords of theirs."

[2] "Mr Pym," he observes, "always opposed all overtures of peace and accommodation, and when the earl of Essex was disposed, the last summer, by those lords, to an inclination towards a treaty, as is before remembered, Mr Pym's power and dexterity wholly changed him, and wrought him to that temper, which he afterwards swerved not from. He was wonderfully

changed him, and wrought him to that temper which he afterwards swerved not from." In other words, he assured Essex of the support and confidence of the house, opened his eyes to the king's particular resentments and personal character, and confirmed him in his duty. It has been truly said, in reference to this self-possessed sagacity and courage, that "men actuated by either extreme of violent temper or vulgar prudence, would have removed from the command a general whom they had reason to distrust." Pym's nobler policy held together the army without a flaw, and, from that hour, the tide of fortune gradually turned.

He did not live to see this, but the wise consciousness of what he had done was consolation sufficient for such a mind. The hand of death was now upon him. Some disgraceful riots broke out at this time, in consequence of the wants and deprivations incident to the war; and, according to Rushworth, a great multitude of the wives of substantial citizens, assisted by a large body of men in women's clothes, came to the house of commons with a petition for peace, and blocked up the door for two hours. "Give us the traitor Pym!" they cried, "that we may tear him in pieces! Give us the dog Pym!" but a troop of horse dispersed them. The traitor or the patriot Pym,—the words may be probably thought synonymous here,—was then lying on his death-bed.

The house of commons, anxious to give their great leader one proof of confidence more, had conferred on him, in November, the all-important office of lieutenant-general of the ordnance of the kingdom; but from this moment he sank rapidly. With gloating expectation, his death was waited for by the royalists. "From London we hear that Pym is crawling to his grave as fast as he can," writes Trevor to the marquess

solicitous for the Scots coming to their assistance, though his indisposition of body was so great, that it might well have made another impression upon his mind."—*History*, vol. iv. p. 440, 441.

of Ormonde, in a letter dated from Oxford in December.[1] A yet more striking evidence of this feeling is supplied in the following extract from the Parliament Scout, published some days before: — "We have given the enemy a great and notable defeat this week, if our news hold true; for whereas *they have for many weeks expected the death of master Pym, and horses have stood ready in severall stables, and almost eaten out their heads, for those that were to go with the news to Oxford, and had promise of great reward and knighthood that brought it first*, now he is like to recover, and to sit in the house of commons again, to facilitate business there, and see an end of the miseries of England; and this will trouble the other party more, by far, that he is mending, than the rout that sir William Waller gave to sir Ralph Hopton on Tuesday last."

Very vain was this hope, for on the 8th of December, 1643, Pym died at Derby House. An account of the last moments of his sickness has been left by one[2] who knew him intimately through life, and attended his death-bed. From that we learn that he maintained the same "evenness of spirit which he had in the time of his health; professing to myself that it was to him a most indifferent thing to live or die: if he lived, he would do what service he could; if he died, he should go to that God whom he had served, and who would carry on his work by some others:—and to others he said, that if his life and death were put into a balance, he would not willingly cast in one dram to turn the balance either way. This was his temper all the time of his sickness." The same interesting memorial tells us that "such of his family or friends who endeavoured to be near him, (lest he should faint away in his weakness), have overheard him importunately pray for the king's majesty and his posterity, for the parliament and the public cause; for himself begging nothing. And a little before his end, *having recovered*

[1] Carte's Letters, vol. i. p. 26.
[2] Dr. Marshall, in his funeral sermon, 1644.

out of a swound, seeing his friends weeping around him he cheerfully told them, '*he had looked death in the face,* and knew, and therefore feared not, the worst it could do, assuring them that his heart was filled with more comfort and joy which he felt from God, than his tongue was able to utter;' and (whilst a reverend minister was at prayer with him) he quietly slept with his God." After reading this calm and affecting account of the last moments of this immortal advocate of civil and religious freedom, no one will feel disposed to deny the justness of that prophecy, in which the good and amiable Baxter has indulged in translating Pym into heaven:—"Surely" (I quote from the "Saint's Everlasting Rest" of that good man), 'surely Pym is now a member of a more knowing, unerring, well-ordered, right-aiming, self-denying, unanimous, honourable, triumphant senate, than that from whence he was taken!"

On the news of Pym's death[1], say the authors of the Parliamentary History, "the house of commons showed a respect to his memory that is without precedent in the whole course of these inquiries. For we find, in the journals, 'that a committee, there named, was appointed to consider of the estate of Mr. Pym, deceased, and to offer what they think fit to be done in consideration of it to the house; likewise, to take care to prepare a monument for him, at the charge of the commonwealth.' It was also ordered, 'that the body of Mr. Pym be interred in Westminster Abbey, without any charge for breaking open the ground there; and that the speaker, with the whole house, do accompany his body to the interment.'"[2]

[1] Welcome news, of course, at Oxford. I extract from *The Kingdome's Weekly Post,* "with his packet of letters publishing his message to the city and country:"—"It is every where remarkably observed concerning the taking of Alton (the particulars whereof are suffy communic'd to the kingdome already, our Post not using to relate what hath been printed before) that *the very same day that there was a great feast at Oxford, and great preparations made for bonefires that night, which was done accordingly. The reason was, for that they heard that master Pim was dead,* and it was observed that many cavaliers at Oxford drank that day the confusion of the roundheads, and particularly sir William Waller."

[2] Parl. Hist. vol. xii. p. 462. From the "Kingdom's Weekly Intelligencer," I take the following:—"The parliament so highly honours the

On the 15th of December, what remained of the great patriot "was buried," says Clarendon[1], "with wonderful pomp and magnificence, in that place where the bones of our English kings and princes are committed to their rest." The body, followed by Charles and Alexander Pym, was carried from Derby House to Westminster Abbey on the shoulders of the ten chief gentlemen of the house of commons, in the deepest mourning: -- Denzil Hollis, sir Arthur Hazlerig, sir Henry Vane the younger, Oliver Saint John, Strode, sir Gilbert Gerard, sir John Clotworthy, sir Nevil Poole, sir John Wray, and Mr. Knightley; "and was accompanied" (says the authority I quote, the 'Perfect Diurnall' of the following week), "by both houses of lords and commons in parliament, all in mourning, by the assembly of divines, by many other gentlemen of quality, and with two heralds of armes before the corpse bearing his crest. His funeral sermon was made by Mr. Marshall, who tooke his text out of the 7th of Micah, part of the first and second verses, in these words: 'Woe is me, for the good man hath perished out of the earth.'"

A few extracts from this noble and affecting sermon may fitly close this attempt to do tardy justice to the life and memory of Pym.[2]

memory of master Pym, that they have ordered a monument to be erected in the abbey at Westminster, where he is to be interred, and the house of commons have appointed themselves to accompany the corpse to the grave, so highly do they value and esteeme the merits and deservings of so good, so excellent a patriot, and commonwealth's man They have also taken order, in regard master Pym hath not onely spent his life in the service of the kingdome, but lost his estate, that a speciall care be taken for a subsistence for his sons, *who are likewise in the service of the parliament and kingdome*, it being a thing very considerable and remarkable, that the father's care was so totally taken up for the good of the publique, that he even neglected a necessary care to provide for his children."

[1] I may here subjoin one or two points from this writer's character of Pym The main part of it has already been noticed in these pages "No man had more to answer for the miseries of the kingdom, or had his hand or head deeper in their contrivance And yet, I believe, they grew much higher, even in his life, than he designed . . Besides the exact knowledge of the forms and orders of parliament, which few men had, he had a very comely and grave way of expressing himself, with great volubility of words, natural and proper, and understood the temper and affections of the kingdom as well as any man, and had observed the errors and mistakes in government; and knew well how to make them appear greater than they were He seemed to all men to have the greatest influence upon the house of commons of any man; and, in truth, I think he was the most popular man, and the most able to do hurt, that hath lived in any time."

[2] A volume might be filled with the various characters of the patriot

"Our parliament is weakened," said this eloquent and earnest preacher, "our armies wasted, our treasure exhausted, our enemies increased; and of those few able hearts, heads, and hands, who abode faithfull to this great cause and worke in hand, it might even stab us to the very heart to thinke how many of them the Lord hath even snatcht away, in the middest of their worke, and our greatest need! That excellent spirited lord, the lord Brooke; that rare man, master John Hampden; that true-hearted Nathaniel, master Arthur Goodwin (pardon me, I beseech you, though I mention them amongst these friends, who cannot thinke of them without bitternesse)—'How are these mighty men fallen in the midst of the battell, and the

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with which the various publications now, and for many weeks after, teemed I will only quote, as a specimen, an "Elegie" which appeared "in deep mourning" in the Mercurius Britannicus.

"No immature nor sullen fate
Did his immortall soule translate,
He passed *gravely* hence, even
Kept his old pace, from earth to heaven!
He had a soule did always stand
Open for businesse, like his hande.
He took in so much, I could call
Him more than individuall,
And so much businesse waited by,
Would scarcely give him leave to die
He knew the bounds, and every thing
Betwixt the people and the king,
He could the just proportions draw
Betwixt prerogative and law,
He lived a patriot here so late,
He knew each syllable of state,
That had our charters all beene gone,
In him we had them every one
He durst be good, and at that time
When innocence was half a crime
He had seene death before he went,
Once had it as a *token* sent,
He surfeited on state affairs,
Di'd on a pleurisie of cares,
Nor doth he now his mourners lacke,
We have few soules but go in blacke,
And for his sake have now put on
A solemne meditation.
Teares are too narrow dropps for him,
And private sighes, too strait for Pym;
None can compleatly Pym lament,
But something like a parliament!
The publicke sorrow of a state
Is but a griefe commensurate
We must enacted passions have
And laws for weeping at his grave."

weapons of warre perished! the beauty of our Israel is slaine in the high places! . . . And now we meet to lament the fall of this choice and excellent man, in whose death the Almighty testifies against us, and even fills us with gall and wormwood. I know you come hither to mourn; so fully prepared for it, that although I am but a dull oratour to move passion, I may serve well enough to draw out those tears, wherewith your hearts and eyes are so big and full. There is no need to call for the 'mourning women, that they may come; and for cunning women, that they may take up a wailing, to helpe your eyes to run downe with teares, and your eye-lids to gush out with waters;' the very looking down upon this beere, and the naming of the man whose corpes are here placed, and a very little speech of his worth, and our miserable losse, is enough to make this assembly, like Rachel, not only to lift up a voice of mourning, but even to refuse to be comforted. . . . I am called to speake of a man so eminent and excellent, so wise and gracious, so good and usefull, whose works so praise him in every gate, that if I should altogether hold my tongue, the children and babes (I had almost said, the stones) would speak: upon whose herse could I scatter the sweetest flowers, the highest expressions of rhetoricke and eloquence, you would thinke I fell short of his worth; you would say, this very name, JOHN PYM, expresseth more then all my words could doe. Should I say of him, as they of Titus, that he was 'amor et deliciæ generis humani:' should I say of his death, as once the Sicilians upon the Grecians' departure, 'Totum ver periit ex anno Siciliano:' should I say, he was not onely as one of David's thirtie worthies, but one of the three, one of the first three, even the first and chiefe of them, the Tachmonite who sate in the seat: should I say, our whole land groaneth at his death, as the earth at the fall of a great mountaine, I might do it without envie in this assembly."

"I shall forbeare," doctor Marshall continued, "to speake any thing of his family, education, na-

turall endowments; his cleare understanding, quick apprehension, singular dexteritie in dispatch of business; his other morall eminences, in his justice, patience, temperance, sobriety, chastity, liberality, hospitality; his extreme humanity, affability, curtesie, cheerfulnesse of spirit in every condition; and (as a just reward and sweet just fruit of all these) the high and deare esteeme and respect which hee had purchased in the hearts of all men of every ranke, who were acquainted with him; such onely excepted, of whom to bee loved and well reported, is scarce compatible with true vertue. All men, who knew him, either lov'd or hated him in extremity: such as were good, extremely delighted in him, as taken in a sweet captivity with his matchlesse worth; the bad as much hated him, out of their antipathy against it. . . His excellent, useful spirit was accompanied with three admirable properties, wherein he excelled all that ever I knew, and most that ever I read of. First, such singlenesse of heart, that no by-respect could any whit sway him; no respect of any friend: he regarded them in their due place, but he knew neither brother, kinsman, nor friend, superior nor inferior, when they stood in the way to hinder his pursuit of the publike good: 'magis amica respublica:' and he used to say, 'Such a one is my entire friend, to whom I am much obliged; but I must not pay my private debts out of the publike stock.' Yea, no self-respect, no private ends of his owne or family, were in any degree regarded, but himself and his were wholly swallowed up in the care of the publike safety; insomuch that when friends have often put him in mind of his family and posterity, and prest him, that although he regarded not himself, yet he ought to provide that it might be well with his family (a thing which they thought he might easily procure), his ordinary answer was, 'if it went well with the publike, his family was well enough.' Secondly, such constancy and resolution, that no feare of danger, or hope of reward, could at any time so much as unsettle him. How often was his life in danger? What a world of

threats and menaces have bin sent him from time to time? Yet I challenge the man that ever saw him shaken by any of them, or thereby diverted from, or retarded in, his right way of advancing the publike good. Nor could the offers of the greatest promotions (which England could afford) in any way be a block in his way: in that he was as another Moses (th'only man whom God went about to bribe), who desired that hee and his might never swim, if the cause of God and his people did ever sinke: his spirit was not so low, as to let the whole world prevaile with him so far as to hinder his work, much lesse to be his wages. Thirdly, such vnweariablenesse, that from three of the clock in the morning to the evening, and from evening to midnight, this was his constant employment (except only the time of his drawing nigh to God), to be some way or other helpfull towards the publike good; burning out his candle to give light to others. Who knows not all this to bee true, who knew this man's converstaion? Not onely since the time of this parliament, but for many yeers together, hath he beene a great pillar to uphold our sinking frame; a master workman, labouring to repaire our ruinous house; and under the weight of this worke hath the Lord permitted this rare workman to be overthrown."

Allusion was now made to one of the royalist fabrications[1], which had assailed the great statesman's memory, and which is worth extracting, since it remains treasured up in the pages of Clarendon: — "It may bee some of you expect I should confute the calumnies and reproaches which that generation of men who envied his life, doe already begin to spread and set up in libels concerning his death: as that hee died raving, crying out against that cause wherein he had beene so great an instrument; charging him to die

[1] See Clarendon, vol. iv p. 436. An official statement, signed by the famous sir Theodore Mayerne, subsequently appeared, and will be found in Appendix F, Whitelock says, afte a singular mistake as to the date of the death, "it was believed that the multitude of his business and cares did so breck his spirit and health, that it brought his death."

of that loathsome disease, which that accursed Balsack, in his booke of slanders against Mr. Calvin, charged *him* to dye of. But I forbeare to spend time needlesly, to wipe off those reproaches, which I know none of you believe. And this will satisfy the world against such slanders; that no lesse than eight doctors of physick, of unsuspected integrity, and some of them strangers to him (if not of different religion from him), purposely requested to be present at the opening of his body; and well neere a thousand people, first and last, who came, many of them out of curiosity, and were freely permitted to see his corpse, can and doe abundantly testifie the falsehood and foulnesse of this report."

"Verily," concluded this fearless and virtuous divine "when I consider how God hath followed us with breach upon breach, taken away all those worthy men I before mentioned, and all the other things wherein the Lord hath brought us low; and now this great blow, to follow all the rest, I am ready to call for such a mourning as that of Hadadrimon in the valley of Megiddon. But mistake me not! I do not meane that you should mourne for him, you his deare children; you right honourable lords and commons, who esteeme him little lesse then a father; I mean not that you should mourne for him! his worke is done, his warfare is accomplished; he is delivered from sin and sorrow, and from all the evils which we may feare are comming upon our selves: hee hath received at the Lord's hand a plentifull reward for all his labours. I beseech you, let not any of you have one sad thought touching him. Nor, would I have you mourne out of any such apprehension as the enemies have, and for which they rejoice; as if our cause were not good, or wee should lose it for want of hands and heads to carry it on: NO, NO, BELOVED, THIS CAUSE MUST PROSPER; AND ALTHOUGH WE WERE ALL DEAD, OUR ARMIES OVERTHROWN, AND EVEN OUR PARLIAMENTS DISSOLVED, THIS CAUSE MUST PREVAIL."

Alexander Pym died some short time after his father, but Charles survived him many years; and on the restoration, though he had continued in the ranks of the parliamentarian army, was created a baronet. It may be added that, on an investigation by the committee of the House of Commons appointed to inquire into the patriot's estate, it was found necessary, not only to vote 10,000*l.* for the settlement of the debts it was discovered to be involved in, but also to pension this son, Charles, upon the parliament. No precedent existed for such votes as these, but the House justly decided that so specially eminent a case was not likely to have occurred before. In these proceedings, at least, the lie was peremptorily given to those slanders on the patriot's public virtue, which had represented him, some years before his death, privately amassing the public money for his own peculiar ends.

Since the early sheets of this memoir went to press, some information respecting the family and estate of the Pyms has been kindly communicated to me by a gentleman who was recently connected with their native county of Somersetshire, and whose interest in the subject of these researches is another testimony to his distinguished zeal in the public cause. Mr. Leader tells me that the estate of the Pyms must, originally, have been very extensive, but that, of the old mansion house, a large porch, with a pointed gothic doorway and gothic pinnacles, is all that remains to attest its splendour or picturesqueness. In addition to their estate of Brymore, which the family held, in direct issue, from the reign of Henry III. to that of Charles II., my informant acquaints me, on the authority of the present owner of Brymore (the hon. Mr. Bouverie, lord Radnor's brother), that they held also the estate of Woollavington in the same county, which is still occa-

sionally called "Woollavington Pym." From a patent of baronetcy now in Mr. Bouverie's possession, it would appear, moreover, that Charles Pym's dignity was first conferred upon him in 1658 by Richard Cromwell, immediately upon the death of Oliver, and received subsequent confirmation from Charles II.

The following detailed account of the family of the Pyms is kindly furnished to me by Mr. Leader, from Collinson's History of Somersetshire, under the title of the "Hundred of Cannington:"—

"On the west side of this parish is an ancient estate called Brymore, formerly part of the lordship of Radway above mentioned, and held from thence by the service of the tenth part of a knight's fee. Geffrey de Bramora held it in the beginning of the reign of Henry III.; soon after which it was possessed by Odo, son of Durand de Derleigh, who conveyed the same to William Fitchet, and he to Elias Pym.

"This Elias Pym was father of several children, William, John, and Roger, his eldest son and heir, who possessed this estate 27 Edward I.

"The eldest son and successor of this Roger was of his own name, and bore on his seal a saltire between four quatrefoils. He died 23 Edward III., and was succeeded by Elias his brother; after whose death, without children, the inheritance devolved to Philip the third son, who, 50 Edward III., being then parson of Kentisbury, in Devonshire, conveyed all his right herein to Philip Pym, son of Henry his brother, and to the heirs of the said Philip.

"Philip Pym was dead before 1 Henry IV. He had two sons by his first wife Emmota, daughter and coheir of Alexander de Camelis, whose names were Roger and William; by his second wife he had also a son called Elias, to whom he gave several estates in Dulverton and Brumpton-Regis.

"Roger Pym, the eldest son, married Joan, daughter and coheir of John Trivet, of Sidbury in Devonshire, a younger branch of the family of Trivet of Durborough.

This Roger was possessed of Brymore from the 1st year of Henry IV. to 13 Henry VI., in which last year he was succeeded by Philip, his eldest son. The coat of this Philip was a bull's head within a wreath. He was living 16 Edward IV., and had two sons, Roger, his successor, and Philip.

Roger Pym married Joan, daughter and heir of John Gilbert, of Wollavington, by Alianor, daughter and coheir of William Doddisham. He was living the last year of Edward IV., at which time he made over all his estate lying at Brymore, Wollavington, and other places, to his son Alexander.

"Which Alexander married Thomasine, daughter of William Stainings, esq., and died 8 Henry VII. He was succeeded by Reginald Pym, his eldest son, who, by Mary, daughter of Thomas Dabridgecourt, was father of Erasmus Pym, and grandfather of the famous John Pym, esq., member for the borough of Tavistock.

"This John, by Anna, daughter of John Hooker, esq., was father of several children; the eldest of whom, Charles, was, on the restoration, made a baronet, and was succeeded in his honour and estates by a son of his own name; who dying without issue, the estate fell to his sister Mary, the wife of sir Thomas Hales, bart., progenitor of the present sir Philip Hales, bart."

This was at the close of the last century Since that period, the estate of Brymore has passed, by will, from Miss Hales, the last descendant of the Pyms, to Mr. Bouverie, its present possessor.

JOHN HAMPDEN.

1594—1643.

An outline of the life of Hampden is all that will now be required for the purposes of this work. So little, after the most extensive researches, is known of the man, that all may, unfortunately, be very briefly told: his history is written in the great public actions he forwarded through life, and in the assertion and defence of which he died; and these have already been minutely recorded, in the foregoing memoir of the dearest and most intimate of his friends, and the most eminent of his great fellow-labourers. Such are the only, though the sufficient, records that permanently attest the wonderful influence of his character; for, of all the speeches he delivered in the house of commons only one remains, and even its authenticity is more than doubtful.

John Hampden was born in London [1], in 1594; ten years after the birth of Pym. His family may be traced in an unbroken line from the Saxon times. It received from Edward the Confessor the grant of the estate and residence in Buckinghamshire, from which the name is derived, and which in Doomsday Book are entered as in the possession of Baldwyn de Hampden. Escaping from the rapacity of the Norman princes, and strengthened by rich and powerful alliances, it continued in direct male succession, and increased in influence and wealth. Noble says, in his "Memoirs of the Protectoral House of Cromwell [2]," with which, as well as with the old ancestors of lord Say and Sele, the family of the Hampdens were allied, that few were so opulent in the four-

[1] This rests on the authority of Wood, who ascertained it indisputably by reference to the matriculation books at Oxford.
[2] Vol. ii. p. 62.

teenth century as this family, but that one of them was then obliged to forfeit to the crown the three valuable manors of Tring, Wing, and Ivengo, for a blow given to the Black Prince in a dispute at tennis; and that by this only he escaped without losing his hand. A rude couplet, still remembered in that part of the kingdom, sustains the tradition:—

> "Tring, Wing, and Ivengo, did go
> For striking the black prince a blow."

This story, indeed, has not been suffered to pass without many doubts; but whether true or not, it has served no mean purpose in giving a name to one of the noblest works of romantic fiction in these latter times. Sir Walter Scott possessed himself of the tradition, as of every other, and the shape he received it in will be thought a corroboration of it, when compared with the versions of Noble and Lysons:—

> Tring, Wing, and Ivanhoe
> For striking o' a blow
> Hampden did forego
> And glad he could escape so!

—Be the story true or false, however, no doubt the property of the Hampdens at this period was very extensive. They were not only rich and flourishing in their own county, but enjoyed considerable possessions in Essex, Berkshire, and Oxfordshire. In Buckinghamshire, they were lords of Great and Little Hampden, Stoke Mandeville, Kimble, Prestwood, Dunton, Hoggestone, and Hartwell, and had lands in many other parishes. They appear to have been distinguished in chivalry; they were often entrusted with civil authority, and represented their native county in several parliaments. We find, in the rolls of parliament, that some lands were escheated from the family on account of their adherence to the party of Henry VI., and that they were excepted from the general act of restitution in the 1st Edward IV. Edmund Hampden was one of the esquires of the body, and privy counsellor, to Henry VII. And, in the succeeding reign, we find "sir John Hampden of the Hill" appointed, with others, to attend

upon the English queen at the interview of the sovereigns in the Field of Cloth of Gold. It is to his daughter, Sibel Hampden, who was nurse to the Prince of Wales, afterwards Edward VI., and ancestress to William Penn, of Pennsylvania, that the monument is raised in Hampton church, Middlesex, which records so many virtues and so much wisdom.[1] During the reign of Elizabeth, Griffith Hampden, having served as high sheriff of the county of Buckingham, represented it in the parliament of 1585. By him the queen was received with great magnificence at his mansion at Hampden, which he had in part rebuilt and much enlarged. An extensive avenue was cut for her passage through the woods to the house; and a part of that opening, lord Nugent says, is still to be seen on the brow of the Chilterns from many miles around, and retains the name of "The Queen's Gap," in commemoration of that visit. His eldest son, William, who succeeded him in 1591, was member, in 1593, for East Looe, then a considerable borough. He married Elizabeth, second daughter of sir Henry Cromwell, of Hinchinbrooke in Huntingdonshire, and aunt to the protector, and died in 1597, leaving two sons, John and Richard, the latter of whom, in after times, resided at Emmington in Oxfordshire.

The fact of London having been the birth-place of the patriot has been disputed, but apparently without reason. He was reported to have been born at the manor house, long in the possession of his family, at Hoggestone, in the hundred of Cottlesloe, in Buckinghamshire;—it was only so said, because the people of that county adored his name. Succeeding to his father's estate in his infancy, Hampden remained for some years under the care of Richard Bouchier, master of the free grammar school at Thame in Oxfordshire.[2] In 1609, he was entered

[1] See a copy in Noble's Cromwell, vol ii. p 64. This is an extract:—
To courte she called was, to foster up a king,
Whose helping hand *long lingering sutes* to speedie end did bring.
Twoo Queenes that sceptre bore, gave creadyt to the Dame
Full many yeres in cowrte she dwelte, without disgrace or blame
Query — Do these *lingering sutes* in any way allude to the royal quarrels of her ancestor?

[2] Anthony Wood.

as a commoner at Magdalen college, Oxford, where his attainments gained him reputation, and he was chosen, with others, among whom was Laud, then master of St. John's, to write the Oxford gratulations on the marriage of the elector palatine with the princess Elizabeth.[1] In 1613 he entered the Inner Temple, as a student of law. And now, whether, at this youthful period, he had been induced, from his cheerful habits and fascinating manners, to enter into the dissipations of the age, and had begun the life of "great pleasure and licence," which Clarendon [2], not, as it seems, unjustly, has charged upon his earlier years, we have no means of knowing; but it is certain that he never, at any period of his life, abandoned intellectual exertion, or neglected the literary labours to which his taste always inclined him. Accordingly, at the Inner Temple, he did not fail to make considerable progress in his new study; and we find the courtier, sir Philip Warwick, bearing testimony to his "great knowledge, both of scholarship and law." Nor does the next circumstance of his life, to which our attention is directed, indicate any taste on his part for "licence" of the more abandoned sort. He was married in the church of Pyrton, in Oxfordshire [3], 1619, to Elizabeth, only daughter of Edmund Symeon, esq., lord of that manor and estate. To this lady he was tenderly attached, and often, after her early death, paid sorrowful and affectionate tribute to her virtues, talents, and affection.

Hampden entered the house of commons the follow-

[1] "These verses," says lord Nugent, "published at Oxford, 1613, in a volume entitled 'Lusu Palatini,' contain little worth remark, unless it be the last three lines —

"Ut surgat inde proles,
Cui nulla terra, nulla
Gens, sit parem datura" —

Remarkable when it is remembered that from this marriage Rupert was born, who led the troops at Chalgrove, by whom Hampden was slain; but also that from it sprang the succession to which stands limited the guardianship of the free monarchy of England"

[2] Hist vol iv p 61

[3] Register of Pyrton, June 24, 1619 He died on the anniversary of that day.

ing year; having taken his seat for the borough of Grampound on the meeting of James's parliament of 1620. He attached himself at once to the popular party, though certain of his friends were desirous that he should seek other means of advancement. His mother was very urgent with him to look to adding a peerage to the dignity of his family. "If ever," says this lady, in a characteristic letter preserved in the British Museum,—"If ever my sonn will seek for his honor, tell him nowe to come; for heare is multitudes of lords a makinge — Vicount Mandvile, lo. Thresorer, vicount Dunbar, which was sr. Ha. Constable, vicount Faulkland, which was sr. Harry Carew. These two last of Scotland; of Ireland divers, the deputy a vicount, and one Mr. Fitzwilliams a barron of Ingland, Mr. Villers a vicount, and sr. Will. Fielding a barron . . . I am ambitious of my sonn's honor, which I wish were nowe conferred upon hime, that he might not come after so many new creations." But this counsel was not followed. The discovery is due to lord Nugent[1], and it is in all respects very grateful. It throws a steady light on Hampden's early character, and is a comfort and a guide to our understanding in following his after-exertions. Here was no personal vanity; no private interest; no boundless ambition; no reckless or unsatisfied desires. He always saw a nobler dignity than was to be won in James I.'s presence chamber; and that, and immortality, he achieved together.

In considering the character of Hampden, it will not appear strange that for many years he made no considerable figure in parliament. In disposition he was unobtrusive; of "rare temper and modesty," to use the words of Clarendon; whilst his wonderful energy of mind was under exact discipline. He saw that the leading members of the opposition were sufficient to their present task, and cared not to thrust himself un-

[1] I shall have frequent occasion to refer to lord Nugent's recent and interesting "Memorials of Hampden." It is much to be regretted, however, that with every advantage of research, his lordship should not have succeeded in communicating more.

necessarily forward. Recording his votes for freedom always, he waited a fitting opportunity for greater personal exertion. But as he was resolved wisely not to anticipate the call of the occasion, so he prepared himself not to disobey it. In the retirement of his yet private life, he earnestly investigated the great political questions of the time. It is interesting to be able to add, that lord Nugent has seen a curious manuscript volume of parliamentary cases and other papers, at Mr. Russell's, at Chequer's court, in which, he says, there is abundant evidence of the pains which Hampden took to fortify himself in the science of precedent and privilege. A great part of that volume is filled with extracts from what are called "Mr. Hampden's notes." We may imagine the effect produced on his mind by such studies; nor do we wonder to hear from Clarendon, that at this period "*he retired to a more reserved and melancholy society*;" whilst we feel to love him the more for it, when the historian adds, that he yet preserved his own natural cheerfulness and vivacity, and, above all, a flowing courtesy to all men.

In the first parliament of Charles, however, he was by no means idle. He made himself a prominent member of the famous Glanville committee, already referred to. "The cases of the three Buckinghamshire boroughs," says lord Nugent, "there is little reason to doubt, were in reality drawn up and put forward by Hampden, although ostensibly managed by Hakewell. This is all the more probable from its appearing, *from Hampden's correspondence* [1], that Hakewill had before been frequently employed by him to conduct suits and arbitrations for him, respecting his property in that county." In consequence of these petitions, Noy and Selden were ordered to make search in the record, and the committee reported that all four had the right, and ought to be admitted accordingly; furthermore declaring it to be "the ancient privilege and power

[1] This correspondence lord Nugent does not adduce. Why? It would have been an interesting addition even to his interesting "Memorials."

of the commons in parliament to examine the validity of elections and returns concerning this house and assembly;" in opposition to the former decision of James, that they should be judged in chancery. Whether Hakewill was aware or not of the full extent of the object for which he was working does not appear. It seems, at all events, probable, that the greater number of the opposite party were not; and that those who were, did not at the beginning think it prudent to give the alarm. King James, however, had shrewdness enough to detect the tendency of this measure; and accordingly, notice thereof being given to him, he stated his unwillingness to have the number of the burgesses increased, "declaring," says Glanville, "he was troubled with too great a number already, and commanded his then solicitor, sir Robert Heath, being of the house of commons, to oppose it what he might; and most of the courtiers then of the house, understanding the king's inclination, did their utmost endeavours to cross it." The report, nevertheless, was, in the end, confirmed by the house. "Whereupon," says Glanville, "a warrant under the speaker's hand was made to the clerk of the crown in the chancery, for the making of such a writ, which was issued out accordingly. And therefore were elected and returned to serve in the same parliament, for Amersham, Mr. Hakewill and Mr. John Crew; for Wendover, Mr. John Hampden, who beareth the charge, and sir Alexander Denton; for Marlow, Mr. H. Burlace and Mr. Cotton."

On the dissolution of Charles's second parliament, Hampden resolutely refused the loan; and on being asked why he would not contribute to the king's necessities, startled the querist with these memorable words: — "That he could be content to lend, as well as others, but feared to draw upon himself that curse in magna charta which should be read twice a year against those who infringe it."[1] The privy council, not being

[1] Rushworth, vol. i. p. 428., &c.

satisfied with his own recognizance to appear at the board, although answerable with a landed property nearly the largest possessed by any commoner of England, committed him to a close and rigorous imprisonment in the gate-house. Being again brought before the council, and persisting in his first refusal, he was sent into private detention in Hampshire.

His sufferings had now made him prominently known; and in the celebrated third parliament, to which he was returned as member for the borough of Wendover, he achieved the entire confidence of the popular party, and took part in the preparation of the petition of right.

"From this time forward," lord Nugent says, truly, "scarcely was a bill prepared, or an inquiry begun, upon any subject, however remotely or incidentally affecting any one of the three great matters at issue — privilege, religion, or the supplies, but he was thought fit to be associated with St. John, Selden, Coke, and Pym, on the committee." On the 21st of March, a few days after the meeting of parliament, he was placed upon the committee, on "an act to restrain the sending away persons to be popishly bred beyond seas;" and, on the 28th, on one "to examine the warrants for billeting soldiers, or levying money, in the county of Surrey." On the 3d of April he was on the committee on a bill "to regulate the pressing men as ambassadors, or on other foreign service, so as to promote the good of the people as well as the service of the state;" and, during the course of the same month, he was engaged in others, "for the better continuance of peace and unity in the church and commonwealth;" "on the foundation of the charterhouse;" on acts against "scandalous and unworthy ministers;" concerning "subscription, or against procuring judicial appointments for money or other rewards;" and "on the presentments of recusants made by the knights of the several shires." On the 10th of May he was put upon the committee "on the case of the Turkey merchants," whose goods were detained till they should pay the tonnage and

poundage; and, afterwards, on the committees for "redressing the neglect of preaching and catechising;" "on the petitions of Burgesse and Sparke," who had been persecuted by the bishop of Durham; "to search for records and precedents;" "to consider the two commissions for compounding with recusants;" and "for explaining a branch of the statute 3d of James. On the 13th of June, he closed for the season his laborious share in this sort of business with two committees; the one "to take the certificates of the trinity-house merchants for the loss of ships, and the other "to meet that afternoon on the exchequer business."

On the re-assembling of this parliament after the prorogation, and when the disgraceful invasion of religion and property, committed in the interval by Laud and Charles, had inflamed the passions of the leading members in regard to both these questions, Hampden's exertions became absorbed in the committees that were appointed to discuss them. His name is to be found on the committees for preparing bills for enlarging the liberty of "hearing the word of God;" and "against bribery, and procuring places for money and other rewards;" and on the committee to prepare a bill to explain the statute 3d James "concerning the appropriation of vicarages." He was also put upon committees "to view the entries of the clerk's book, and to search the entry of the petition of right;" and "to examine a person who had petitioned the king with articles against Dr. Williams, bishop of Lincoln, the keeper;" and again, "concerning the differences in the several impressions of the thirty-nine articles." Again, "to examine the matter and the information in the star chamber;" and "concerning the particulars of sir Joseph Eppesley, and all others where commissioners are drawn to answer before the lords;" and "to search the course and precedents in the exchequer concerning the injunction against merchants' goods detained for the non-payment of duties;" and, lastly, "to prevent corruption in the presentation and collation

to benefices, headships, fellowships, and scholarships, in colleges."

Hampden took no part in the stormy scene of the day of the dissolution — that "most gloomy, sad, and dismal day for England," as sir Symonds d'Ewes has termed it, "that had happened for five hundred years" —and therefore escaped the fierce vengeance under which Eliot perished. Before that brave and virtuous man entered his prison, he committed his two sons to Hampden's care.

Upon this circumstance I have already remarked in the memoir of Eliot. It is enough to add here, that, besides in the thought of that great person's sufferings having served the cause that was dearer to him than happiness or life, the sorrow with which we contemplate them has some redemption, in the delightful view which they have been the means of handing down to us of the character of Hampden, and his generous and gentle feeling. We find in him, at this trying period, nothing wanting in the qualities that command respect and love for their amiable and exalted nature. He appears to us the guardian of the two young Eliots, turning his great mind anxiously to their improvement — leaving nothing undone for their welfare — and disclosing, throughout his correspondence with their father, a fine fancy; a heart of honour full, as of gentleness; of true wisdom and scholarship, as of kindness and intrepidity. This it was which made Hampden a patriot — his love for all men and for all good and graceful things. In looking at his life, these letters are of the last importance; the feelings they disclose enable us to judge his latter years by a true test, and to discover the secret of his bold endeavours then — the end to which he looked in all his patriotic toils and enjoyments — unbounded love and gentleness to mankind.

These letters, then, I will here present to the reader, as they have been copied[1] from the manuscripts in lord

[1] With one exception, the fifth letter, which is to be found in the British Museum, and therefore appears never to have reached Eliot.

Eliot's possession. They follow in the order of their dates, and refer, occasionally, to circumstances which have been already explained in this work.[1]

The first alludes to Eliot's younger son, and to the passages of the "Monarchy of Man," forwarded for Hampden's perusal.

"Sir,—If my affections could be so dull as to give way to a sleepy excuse of a letter; yet this bearer, our common friend, had power to awaken them, and command it: to the public experience of whose worth in doing, I can now adde my private of his patience in suffering the miseryes of a rough hewn entertainment, to be tolerated by the addition of your sonnes company; of whome if ever you live to see a fruite answerable to the promise of the present blossoms, it will be a blessing of that weight as will turne the scale against all worldly afflictions, and denominate your life happy.

"I returne your papers with many thankes, which I have transcribed, not readd; the discourse, therefore, upon the subject must be reserved to another season; when I may, with better opportunity and freedome, communicate my thoughts to you, my friend. Till then, with my salutations of all your society, and prayers for your health, I rest,

"Your ever assured friend and servant,

"John Hampden.

"Hampden, January 4th."

The son here alluded to was Hampden's favourite. The character of the elder son, whose college riots are touched on with so indulgently slight a hand in the next letter, has been described[2] before.

"Sir,—I hope you will receave yo^r sonnes both safe, and that God will direct you to dispose of them as they may be trained up for his service and to yo^r comfort. Some words I have had w^th yo^r younger sonne, and given him a taste of those apprehensions he is like to

[1] Life of Eliot, p. 105—121. [2] Ibid, p. 108.

find wth you; w^{ch} I tell him future obedience to yo^{r} pleasure, rather than justification of past passages, must remove. He professeth faire; and y^{e} ingenuity of his nature doth it without words; but you know virtuous actions flow not infallibly fro. the flexiblest dispositions: there's ownly a fit subiect for admonition and government to worke on, especially that w^{ch} is paternall. I confesse my shallownesse to resolve, and therefore unwillingnesse to say any thing concerning his course; yet will I not give over the consideration; because I much desire to see y^{t} spiritt rightly managed. But, for yo^{r} elder, I thinke you may with security returne him in conuenient time, for certainly there was nothing to administer from a plott, and in another action y^{t} concerned himselfe, w^{ch} he'll tell you of, he receaved good satisfaction of the vice-chancellor's faire carriage towards hime. I searched my study this morning for a booke to send you of a like subject to y^{t} of y^{e} papers I had of you, but find it not. As soone as I recouer it, I'll recommend it to yo^{r} view. When you haue finished y^{e} other part, I pray thinke mee as worthy of y^{e} sight of it as y^{e} former; and in both together I'll betray my weaknesse to my friend by declaring my sense of them. That I did see is an exquisite nosegay, composed of curious flowers, bound together with as fine a thread. But I must in the end expect hony fro. my frend. Somewhat out of those flowers digested, made his owne, and givinge a true taste of his owne sweetnesse, though for that I shall awaite a fitter time and place. The Lord sanctify unto you y^{e} sowrenesse of yo^{r} present estate, and y^{e} comforts of yo^{r} posterity.

"Yo^{r} ever y^{e} same assured frend,

"Jo. Hampden.

"April 4th, 1631."

The delicacy and beauty of the criticism at the close of this letter could scarcely be surpassed. Eliot, in answer to the letter, proposes to send his younger

son, Richard, to the Netherlands, to learn the art of war in the company of sir Horace Vere. This he thinks will be the best mode of employing to a good purpose his quick and vivacious humour. He states, also, his elder son's desire to go to France, but his own wish that he should remain at Oxford till he should have obtained his "licence" or degree at that university. Hampden replies in an animated strain. Most beautiful and touching is his closing allusion to their mutual friendship. Well did his after life "improve" and approve the "noble purchas" of Eliot's affection!

"Sir,— I am so perfectly acquainted with your cleare insight into the dispositions of men, and ability to fitt them with courses suitable, that, had you bestowed sonnes of mine as you have done yo^{r} owne, iudgment durst hardly have called it into question; especially when, in laying the design, you have prevented y^{e} objections to be made against it. For if Mr. Rich. Eliot will, in the intermissions of action, adde study to practise, and adorn that lively spiritt with flowers of contemplation, he'll raise our expectations of another S^{r} Edw. Veere, that had this character, 'All summer in the field, all winter in his study;' in whose fall fame makes this kingdome a great looser: and, having taken this resolution from counsaile, with y^{e} highest wisdome, (as I doubt not you haue), I hope and praye y^{e} same power will crown it with a blessing answerable to our wish.

"The way you take with my other friend, declares you to be none of y^{e} b^{p} of Exeter's converts, of whose minde neither am I superstitiously; but, had my opinion bine asked, I should (as vulgar conceipts use to), haue shewed my power rather to raise obiections than to answer them. A temper between Fraunce and Oxford might have taken away his scruple, with more advantage to his years—to visit Cambridge as a free man for variety and delight, and there entertain himselfe till y^{e} next spring, when university studyes and peace had bine better settled than I learn it is. For, although he

be one of those that, if his age were looked for in no other booke but that of the minde, would be found no ward if you should dy to-morrow; yet 'tis a great hazard, meethinkes, to see so sweete a disposition guarded with no more, amongst a people whereof many make it their religion to be superstitious in impiety, and their behaviour to be affected in ill manners. But God, who ownly knows y^e^ periods of life, and opportunities to come, hath designed hime (I hope) for his owne service betime, and stirred up yo^r^ providence to husband hime so early for great affaires. Then shall hee be sure to finde hime in Fraunce, that Abraham did in Sichem, and Joseph in Egipt, under whose wing alone is perfect safety.

Concerning that lord, who is now reported to be as deepe in repentance as he was profound in sinne, the papers, &c., I shall take leave fro. your favour, and my streight of time, to be silent, till the next weeke, when I hope for the happinesse to kisse your hands, and present you with my most humble thankes for yo^r^ letters, w^ch^ confirm y^e^ observation I have made in the progresse of affections: that it is easier much to winne upon ingenuous natures than to merit it. This, they tell mee, I have done of your's: and I account it a noble purchas, w^ch^ to improve with the best services you can command, and I performe, shall be y^e^ care of

"Your affectionate friend and servant,

"Jo. Hampden.

"Hampden, May 11th, 1631.

"Present my services to Mr. Long, Mr. Valentine, &c.

"Do not thinke by what I say, y^t^ I am fully satisfied of your younger sonnes course intended, for I have a crotchett out of y^e^ ordinary way, w^ch^ I had acquainted you w^th^ if I had spoken w^th^ you before he had gone, but ame almost ashamed to communicate."

The mention of the "lord" in this letter, *refers to* Mervin Touchet, the infamous lord Audley, of whose

removal from the Tower, and trial and sentence, Eliot had spoken in a previous letter.

The next letter is from Hampden to one of the sons, his "young friends." It is to Richard, his favourite, who had been, *for a time only*, admitted to live with his father in the Tower: —

"Sir, — I receaved yo^{r} commaunds by y^{e} hands of Mr. Wian, and was glad to know by them that another's word had power to commaund yo^{r} faith in my readinesse to obey you, wth mine, it seems, had not. If you yet lack an experience, I wish you had put mee upon y^{e} test of a worke more difficult and important, y^{t} yo^{r} opinion might be changed into beliefe. That man you wrote for I will unfainedly receave into my good opinion, and declare it really when he shall have occasion to putt me to y^{e} proofe. I cannot trouble you with many words this time. Make good use of the booke you shall receave fro mee, and of yo^{r} time. Be sure you shall render a strict account of both to

"Yo^{r} ever assured friend and seruant,

"Jo. Hampden.

"Present my service to Mr. Long. I would faine heare of his health.

"Hampden, June 8th, 1631."

All the remaining letters are to Eliot. This which follows, is merely an apology for not writing; but how gracefully it is worded!

"Noble sir,—'Tis well for me that letters cannot blush, else you would easily reade me guilty. I ame ashamed of so long a silence, and know not how to excuse it; for as nothing but businesse can speake for mee, of w^{ch} kinde I have many advocates, so can I not tell how to call any businesse greater than holding an affectionate correspondence with so excellent a friend. My only confidence is, I pleade at a barr of love, where absolutions are much more frequent than censures. Sure I am that conscience of neglect doth not accuse me; though evidence of fact doth. I would add more, but

ye entertainment of a stranger friend calls upon me, and one other inevitable occasion, hold mee excused, therefore, deare friend, and if you vouchsafe mee a letter, lett mee beg of you to teach me some thrift of time, that I may imploy more in your service, who will ever be

"Your faithful servant and affectionate friend,

'Jo. HAMPDEN.

"Commend my service to ye soldier, if not gone to his colours.

"Hampden, March 21."[1]

The sweet and nervous style of the next, which is a criticism on the 'Monarchy of Man,' illustrates the literary taste and skill of Hampden:—

"Sir,—You shall receive ye booke I promised, by this bearer's immediate hand; for ye other papers I presume to take a little, and but a little respitt. I have looked upon yt rare piece ownly with a superficiall view, as at first sight to take ye aspect and proportion in ye whole, after, with a more accurate eye to take out ye lineaments of every part. 'Twere rashnesse in mee therefore to discover any judgment before I have ground to make one. This I discerne, that tis as compleate an image of ye patterne as can be drawne by lines; a lively character of a large minde, the subject, method and expressions excellent and homogeneall, and, to say truth (sweete heart) somewhat exceeding my comendations. My words cannot render them to the life, yet (to show my ingenuity rather than witt) would not a lesse modell have given a full representation of that subject? not by diminution, but by contraction, of parts? I desire to learn, I dare not say. The variations upon each particular seem many, all, I confesse excellent. The fountaine was full, ye channell narrow, yt may be ye cause, or that the

[1] This letter was addressed "For my honnored and deare friend Sir John Eliot at his lodging in the Tower." I copy it as I have it from the British Museum. [illegible]

[2] The soldier referred to is Richard Eliot, of whom he speaks in the next letter as fearing him to have gone.

author imitated Virgill, who made more verses by many than he intended to write. To extract a iust number, had I seen all his, I could easily have bidd him make fewer; but if hee had badd mee tell which he should have spared, I had bine apposed. So say I of these expressions; and that to satisfy you, not myselfe, but that, by obeying you in a command so contrary to my own disposition, you may measure how large a power you have ouer

"Jo. Hampden.

"Hampden, June 29th, 1631.

"Recomend my seruice to Mr. Long, and if S^r^ Ol. Luke be in towne, expresse my affection to him in these words; y^e^ first part of y^e^ papers you had by y^e^ hands of B. Valentine long since. If you heare of yo^r^ sonnes, or can send to y^m^, let me know."

The present of a small buck from the seat at Hampden accompanied this next very graceful note. By the post-script it appears that John Eliot, the elder son, had been permitted to go to France as he desired.

"Deare Sir, — I receaued a letter from you the last weeke, for w^ch^ I owe you ten, to countervaile those lines by excesse in number that I cannot equall in weight. But time is not mine now, nor hath bine since that came to my hands: in your favour, therefore, hold mee excused. This bearer is appointed to present you w^th^ a buck out of my paddock, w^ch^ must be a small one to hold proportion with y^e^ place and soyle it was bred in. Shortly I hope (if I do well to hope) to see you; yet durst I not prolong y^e^ expectation of y^or^ papers. You have concerning them layde comaundes npon mee beyond my ability to give you satisfaction in; but, if my apology will not serve when wee meete, I will not decline y^e^ seruice to y^e^ betraying of my owne ignorance, which yet I hope yo^r^ love will couer.

"Yo^r^ ever assured friend and seruant,

"Jo. Hampden.

"Hampden, July 27.

"I am heartily glad to learne my friend is well in Fraunce. Captaine Waller hath bine in these parts, who I have seene, but could not entertaine; to my shame and sorrow I speake it."

The next refers to the emigration schemes[1] in which the patriots of the time took so great an interest.

[1] An ingenious attempt has been made by Mr Towill Rutt, to show that Hampden had interested himself so far in the "new world" as actually, in the recess between James's last two parliaments, to visit it in person But Hampden had recently married, and, as no mention is made of Mrs. Hampden in the record of the visit, does Mr Rutt think the patriot had tired so soon of her society? The attempt is too ingenious, however, to be passed altogether, and, therefore, I present it to the reader from the pages of the Examiner journal where it appeared some years since —"In a work printed at 'Boston, N E 1736,' entitled, *A Chronological History of New England, by Thomas Prince, M. A*, at p. 129, from 'Winslow's Relation,' one of the earliest 'printed tracts,' I find the following narative:—'1623 March News comes to Plimouth that Masassoit is like to die, and that a Dutch ship is driven ashore, before his house, so high, that she could not be got off, till the tide's increase. Upon which the governor sends Mr Edward Winslow, and Mr John Hampden, a gentleman of London, with Hobomak, to visit and help him, and speak with the Dutch The first night we lodge at Namasket, next day, at one, come to a ferry, in Corbitant's country, and, three miles further, to Mattapuyst his dwelling-place (though he be no friend to us), but find him gone to Pakanokik, about five or six miles off Late within night, we get thither, whence the Dutch had departed, find Masassoit extreme low, his sight gone, his teeth fixed, having swallowed nothing for two days, but using means, he surprisingly revives. We stay and help him two nights and two days At the end of the latter, taking our leave, he expresses his great thankfulness We come and lodge with Corbitant, at Mattapuyst, who wonders that we, being two, should be so venturous Next day, on our journey, Hobomak tells us, that at his coming away, Masassoit privately charged him to tell Mr Winslow there was a plot of the Massachusuks That night we lodge at Namasket; the next get home' Edward Winslow, one of the fathers of New England, first appears, '1620 Dec 6,' among 'ten of their principal men,' whom they 'send out in their shallop, to circulate the bay,' in search of a landing place (p 76). Hutchinson (*Hist Mas* i 187) says 'he was a gentleman of the best family of any of the Plimouth planters, his father being a person of some figure at Drotwich, in Worcestershire' The following entry in the *Chronological History* (p 140) may fix, with great probability, in the absence of any information on the subject, the date of Hampaen's return to England —'1623, Sept 10 This day the Ann sails for London, being laden with clap-boards, and all the beaver and other furs we have, with whom we send Mr Winslow, to inform how things are, and procure what we want' Edward Winslow printed his '*Account of N E to Sept* 10.' during this visit to London, whence he returned in 1624 After governorships of Plimouth, and missions to England, he settled there in 1646, as agent for the colony In 1655 he was appointed by the Protector one of 'three commissioners to superintend and direct the operations of Penn and Venables,' and 'died on board the fleet, in the West Indies,' aged 60, leaving a 'name' that 'in New England will never be forgotten' Such was the associate of John Hampden Of the other *dramatis personæ*,— Masassoit was a 'great Sagamore,' who, 'in 1621,' had visited the governor, when, 'after salutations, the governor kissing his hand, and the king kissing him, they agree on a league of friendship,' which 'lasted to 1675' Hobomak was 'a chief captain of Masassoit's,' and Corbitant 'a petty sachem' Dr Holmes, of Cambridge, N E., in his *American Annals* (1808), says

"Noble sir, — I hope this letter is conveyed to you by so safe a hand y[t] yo[rs] will be y[e] first y[t] shall open it; or, if not, yet, since you inioy, as much as without contradiction you may, y[e] liberty of a prison, it shall be no offence to wish you to make y[e] best use on't, and y[t] God may find you as much his, now you inioy y[e] benefitt of secondary helpes, as you found hime yo[rs] while, by deprivation of all others, you were cast upon his immediate support. This is all I have, or am willing, to say; but y[t] y[r] paper of considerations concerning y[e] plantation might be very safely conueyed to mee by this hand, and, after transcribing, should be as safely returned, if you vouchsafe to send it mee. I beseech you present my seruice to Mr. Valentine, and Mr. Long my countryman, if with you, and let me be honored with the style of

"Yo[r] faithful friend and seruant,

"Jo. Hampden."

The last letter contains a noble compliment to the genius of Eliot.

"Sir, — In the end of my travailes, I meate y[e] messengers of yo[r] love, w[th] bring mee a most gratefull wellcome. Yo[r] intentions outfly mine, that thought to have prevented yo[rs], and convince mee of my disability to keepe pace with you or the times. My imployment of late in interrogatory with like affaires, hath deprived mee of leisure to compliment; and y[e] frame of dispositions is able to iustle the estyle of a letter. You were farre enough above my emulation before; but, breathing now the same ayre w[th] an ambassador, you are out of all ayme. I believe well of his negociation for

(i. 185), "Mr Hampden wintered (1623) with the Plimouth colonists, and desired much to see the country, and is supposed by Dr Belknapp (*Biog* ii 229) to be the same who afterwards distinguished himself by his opposition to the arbitrary demands of Charles I' From these early associations Hampden would, probably, be foremost, in 1638, to promote that well-known project of emigration which Charles, so fatally for himself, interrupted by his prerogative It appears, in the *Parliamentary History*, that from Feb 1621 2 to Feb 1623-4, Hampden's senatorial duties must have been entirely suspended. Thus, there would be abundant leisure for the visit to America."

y^e large testimony you have given of his parts; and I believe y^e king of Sweden's sword will be y^e best of his topicks to persuade a peace. 'Tis a powerfull one nowe, if I heare aright; fame giving Tilly a late defeate in Saxony w^th 20,000 losse; the truth whereof will facilitate o^r worke; the Spaniard's curtesy being knowne to be no lesse then willingly to render that which he cannot hold. The notion of these effects interrupts not o^r quiett, though y^e reasons by w^ch they are gouerned do transcend o^r pitch. Yo^r apprehensions, y^t ascend a region above those clouds w^ch shadow us, are fitt to pierce such heights; and o^rs to receave such notions as descend from thence; which while you are pleased to impart, you make the demonstrations of yo^r favour to become y^e rich possessions of

"Yo^r ever faithful friend and servant,

"Jo. Hampden.

"Present my seruice to Mr. Long.

"Hampden, October 3.

"God, I thanke him, hath made me father of another sonne."

The melancholy progress of the public affairs during this correspondence, and after it had been closed by the death of the illustrious prisoner [1], has been amply described. In retirement, at his estate in Buckinghamshire, Hampden continued to improve the literary tastes and acquirements in which he already excelled so highly, and, it is said, while the crisis of affairs approached more nearly, began to prepare himself for the last extremity they threatened. Davila's history of the civil wars of France became his manual; his *vade mecum*, as sir Philip Warwick calls it; as though in the study of that sad story of strife and bloodshed, he already saw

[1] Eliot and Hampden, it is worth adding, had changed portraits some time before, and both these portraits are now in the possession of the Eliot family. That of Hampden, the only original in existence, and a portrait of noble expression, has been engraved for this work, by the courteous permission of the earl of St Germans. *A close and earnest look at the engraving, which is exquisitely faithful, will furnish an eloquent description of the face of Hampden.*

the parallel which England was to afford so soon. The bitterness of spirit with which he thought of these things may have been greatly increased by the death of his wife [1], which happened at about this time. At last, however, he abandoned his retirement, dismissed the thought of a solitary and secluded life, and became one of the acknowledged leaders of the people. He imitated in this the great and virtuous Coligny, described in his favourite work.

In the autumn of 1635, ship-money writs were sent into Buckinghamshire. Many gentlemen of that county refused to pay, and among them Hampden. Accordingly, on the 25th of January, 1635-6, new sheriffs having been in the interval appointed, a writ was issued, directed "To sir Peter Temple, baronet, late high sheriff, and Heneage Proby, esq., now appointed high sheriff for the county of Bucks," directing the one to deliver, and the other to receive, the original warrant, as well as all accompts and returns concerning the levy of the former year. This return was accordingly made by the assessors of the different parishes; and, among others where payment had been delayed, a return by those of the parish of Great Kimble, a village at the foot of the Chiltern hills, round which the principal property of John Hampden lay, and in the immediate neighbourhood of his house. The return contains the names of those who, with him, had tendered their refusal to the constables and assessors, together with an account of the sums charged upon each person. Among the names of the protestors, it is to be observed that the constables and assessors had the courage to return their own; and at the head of the list stands that of John Hampden, "as a passport," lord Nugent justly says, "for the rest to an honourable memory, so long as the love of

[1] She lies buried in the chancel of great Hampden church, where an epitaph on a plain black stone records her merits, and her husband's affectionate regrets. See Memorials by lord Nugent, vol. i. p. 266. She left Hampden three sons, John, Richard, and William, and six daughters. Elizabeth, the eldest of these, married Richard Knightley, son of the friend of Pym and Hampden, and the second, Anne, was afterwards married to sir Robert Pye, of Berkshire.

liberty shall retain a place in the hearts of the British nation."

This protest, however, was not thought sufficient, by the then rampant tyranny of Charles, to excuse sir Peter Temple for his default of arrears. He was summoned before the council table: ill health prevented his instant attendance; and an officer was at once sent to hold him in close custody at his own residence at Stowe. Lord Nugent found one of his letters written under these circumstances, among the manuscripts there. It is worth quoting, as an illustration of the occasion and the time: —

"Deare Mother,—In haste I write to you. I, hauing my handes full, cannot write to you with my owne handes, I hauing byne latelye ill at London, and takeing physicke. Yet must I leaue the meanes of my health to doe the kinge seruice. I was sente for on the 30th of June, by a messenger, to attend the kinge on Sundaye the 3d of July, about the shippe moneye; wherein I am blamed for the sherriffe's actions that nowe is, and am compelled w[th] a messenger, nowe wayting on me, with all the distresses and imprisoneings that maye be imposed on the countrye. But the sherriffe muste answere what is done by me in the future tyme. I am to attende the kinge at Theobalde's, on the 17th daye of July, to giue an accompte to him what I haue done in the seruice, and, as he likes my proceedinges, I am to continue in the messenger's hande, or be releassed, or worsse. My lyfe is nothing but toyle, and hath byne for manye yeares, to the commonwealth, and nowe to the kinge. The change is somethinge amended for the pressent, but yet releasæd of neither. Not soe much tyme as to doe my dutye to my deere parentes, nor to sende to them. Yett I hoped that they wolde haue sente for a bucke, or what Stowe wolde afforde, before thys tyme. But, seeinge they will not, I will spare myselfe soe much tyme as to pressente nowe unto them one by thys bearer.

"Although I am debarred from father, mother, wife,

and chilldren, and state — though some of them farre absente — wyth thys I pressente my dutye, wyth these unhappye lynes, and remayne,

"Yor sonne, that loues and honoures
my father and you,
"Peter Temple.

"Stowe, thys 8th of July, 1636.

"To his deere mother, the lady Hester Temple, at Dorsett, theis pressente."

The history of Hampden's immortal trial, in which, for many days, though in the midst of public dangers and disquiet, the fundamental laws of our country were contested without reproach or passion, has been sufficiently glanced at in these pages. "The judgment," says Clarendon, "proved of more advantage and credit to the gentleman condemned, than to the king's service." Then indeed Hampden "became the argument of all tongues, every man inquiring who and what he was, that durst at his own charge support the liberty and property of the kingdom, and rescue his country, as he thought, from being made a prey to the court."[1] Even courtiers and crown lawyers spoke respectfully of him; for, adds Clarendon, "his carriage throughout that agitation was with that rare temper and modesty, that they who watched him narrowly to find some advantage against his person, to make him less resolute in his cause, were compelled to give him a just testimony." The court continued, after the trial, to levy the hated tax more recklessly than ever, but it soon became the recklessness of despair.

The third parliament was summoned, and Hampden — whose share in the immediate causes which led to that memorable event has been described in the memoir of Pym — having returned from London to his native seat, was solicited, by the grateful men of Buckinghamshire, to become their representative. In this character, and with all the new influence it gave him, he soon

[1] Clarendon.

again left Hampden, never, except at rare intervals of some few hours' duration, to return to it again. "His mansion," says lord Nugent, "still remains. It stands away from both the principal roads which pass through Buckinghamshire, at the back of that chalky range of the Chilterns which bounds, on one side, the vale of Aylesbury. The scenery which immediately surrounds it, from its seclusion little known, is of singular beauty; opening upon a ridge which commands a very extensive view over several counties, and diversified by dells, cloathed with a natural growth of box, juniper, and beech.[1] What has once been the abode of such a man can never but be interesting from the associations which belong to it. But, even forgetting these, no one, surely, who has heart or taste for the charm of high breezy hills, and green glades enclosed within the shadowy stillness of ancient woods, and avenues leading to a house on whose walls the remains of the different styles of architecture, from the early Norman to the Tudor, are still partly traced through the deforming innovations of the eighteenth century,—no one, surely, can visit the residence of Hampden, and not do justice to the love which its master bore it, and to that stronger feeling which could lead him from such a retirement to the toils and perils to which, thenceforth, he entirely devoted himself."

Hampden has left no record of his eloquence behind him, but its influence is stamped immortally on Clarendon's account of him at this momentous period. "Mr. Hampden," says the noble historian, describing the lead-

[1] The woods of Hampden terminate to the north upon the bare brow of a lofty hill called Green Hals, on the side of which is cut, in the chalk, the form of a cross, which is seen from all the country round. This monument, of a very remote antiquity, is known by the name of the White Leaf Cross, and is supposed by Mr Wise (in a learned letter to Browne Willis on the subject of Saxon antiquities) to have been designed in commemoration of a victory gained by Edward, king of the West Saxons, over the Danes, early in the tenth century. It appears, however, with more probability, to have been intended as a memorial of the last battle of Hengist and Horsa with the Britons, which was fought over the extensive plain of Risborough and Saunderton, when, on this height, and on the Bledlow ridge which adjoins it, the Saxon princes planted their victorious standards to recal their troops from the pursuit.

ing members of this parliament, "was a man, it may be, of the most discerning spirit, and of the greatest address and insinuation to bring any thing to pass which he desired, of any man of that time, and who laid the design deepest. He was a gentleman of a good extraction and a fair fortune, who, from a life of great pleasure and licence, had on a sudden retired to extraordinary sobriety and strictness, and yet retained his usual cheerfulness and affability; which, together with the opinion of his wisdom and justice, and the courage he had showed in opposing the ship-money, raised his reputation to a very great height, not only in Buckinghamshire, where he lived, but generally throughout the kingdom. He was not a man of many words, and rarely begun the discourse, or made the first entrance upon any business that was assumed; but a very weighty speaker, and after he had heard a full debate, and observed how the house was like to be inclined, took up the argument, and shortly, and clearly, and craftily so stated it, that he commonly conducted it to the conclusion he desired; and if he found he could not do that, he never was without the dexterity to divert the debate to another time, and to prevent the determining any thing in the negative which might prove inconvenient in the future. He made so great a show of civility, and modesty, and humility, and always of mistrusting his own judgment, and of esteeming his with whom he conferred for the present, that he seemed to have no opinions or resolutions but such as he contracted from the information and instruction he received upon the discourses of others, whom he had a wonderful art of governing and leading into his principles and inclinations, whilst they believed that he wholly depended upon their counsel and advice. No man had ever a greater power over himself, or was less the man that he seemed to be; which shortly after appeared to every body, when he cared less to keep on the mask." The character of Clarendon himself is too well known to render any modification of this language necessary. The

circumstances which explain the colour he always strives to give to the profound policy of the popular leaders, have had abundant illustration in these pages. It is enough now to show that that policy is, even thus, confirmed by him; and that upon him, equally with the men of their own party, the genius of its great authors impressed itself — the more deeply, perhaps, that it was so obstinately resisted.

To the business affairs of this parliament Hampden applied himself with his accustomed zeal. On the 16th, three days after its meeting, he was on a committee to examine all questions relating to election returns, and other privileges; and, on the 17th, on one to report upon the state of the journals and records. On the 18th, on one concerning the violation of privilege, at the close of the last parliament; and, on the 20th, on another to prepare an address to the king, praying "that the like infringement of their liberties might not be practised in future, to their prejudice and his own." On the 21st he was on the committee appointed to inquire into the effect of the commission lately granted to convocation; and, on the 22d, on two others — one upon the case of Smart, a prebendary of Durham, who had petitioned, as a prisoner, against Bishop Neile; and the other to prepare the heads of a conference with the lords concerning the petitions from the country. On the 23d he was on one to expedite the matter of this conference, by stating the reasons for postponing the supplies until effectual means should have been taken to prevent innovations in religion, to secure the property of the subject, and the privileges of parliament; and to prepare an answer on these heads to the king. On the 24th he was manager of that conference; on the 25th he reported it to the house; and, on the 1st of May, we find him reporting a second conference, touching some matters which had occurred in the first.

The disgrace of Williams has been alluded to: the wily prelate had long been striving to regain his po-

sition by petitions to the king ; or, by a summons before parliament, to make an effort for it that way. Sentence, however, interrupted his schemes at last, suspending him from all his offices and dignities, and imposing upon him a fine of 10,000*l.*, and imprisonment during the king's pleasure.

Finding the lords not disposed to assert with spirit the question of privilege in his behalf, he endeavoured to engage Hampden, during this session, to make his case one of parliamentary grievance. With this view, it may be supposed, he affected his old patriotic arts to engage the patriot's sympathy. Be this as it may, among the manuscripts at Lambeth, is a sheet of notes in his hand-writing, under the title of "Remembrances to Mr. Hampden," dated April 27th, to which the answer is found appended. The style of cold civility in which Hampden declines this business, was that of a man who already suspected that the public virtue of the bishop was wavering, and that he was preparing to embark again in the course of court favour, into which, on his enlargement and elevation to the archbishoprick of York, he soon relapsed. Hampden's answer was as follows : —

"My lord,—I should be very ready to serve you in any thing I conceaved good for you and fitt for mee ; but in your l^{d}p's present commands I doubt that to make overture of yo^{r} intentions, and be prevented *by a suddaine conclusion of y^{e} parl^{t}, wth many feare*, may render yo^{r} condition worse than nowe it is. To begin in o^{r} house is not y^{e} right place ; the most important businesses of the king and king^{d} are press'd on with such expedition y^{t} any of a more particular nature will be but unwellcome, and hardly prosecuted wth effect ; besides that there is at this instant a tendernesse betweene y^{e} lords and us about priviledge ; and for my owne unfittnesse, I neede mention no more but my disability to carry through a businesse of this nature, though y^{r} l^{p} may easily conceave another incompetency in my person. In these regards I humbly desire yo^{r}

lp to excuse mee, and thereby to lay a newe obligation upon mee of being, Your lps most humble servant,

"Jo. Hampden.[1]

"Westmr, Apr. 29, 1640."

In the long parliament, Hampden again sat for Buckinghamshire. His exertions in the great interval of excitement before it met, have been already detailed. He had married again during the present year, and now his wife joined him, with his family, in London, and the establishment at Hampden was broken up. The lady's name was Letitia Vachell, the daughter of a gentleman of Coley, near Reading. She survived Hampden very many years, during which she again resided on her husband's old estate.

Hampden discharged himself of his duties at this the final crisis of the English liberties and laws, as became the virtue and courage of his character. He who had been formerly, though ever pursuing the strictest line of duty, yielding and gentle, was now stern and resolute; he who had kept within the letter of precedents while yet serving the cause in his private capacity, now found "the eyes of all men fixed upon him as their *Patriæ Pater*, and the pilot that must steer the vessel through the tempests and rocks which threatened it." What wonder that, with such responsibility, his views became larger and more extended? What wonder if, from a meek bearing, as lord Clarendon tells us, "his nature and carriage seemed much fiercer than before?" Thrust from the legitimate ground of warfare on which he would willingly have taken issue, he rose, by his resources of mind and heart, and shifting from the narrower grounds of precedent and privilege, fell back on the great rights of mankind, out of which, and for which, all laws arise. It is useless to deny that Hampden had then become (as Clarendon terms him), a "root and branch man." All his subsequent acts prove it. He had taken higher ground, and would no longer be contented with lopping off the branches, but was re-

[1] Nugent's Memorials, vol. i. p. 297.

solved to lay the axe to the root, of the tree of corruption. Why does lord Nugent shrink from contemplating his character in this view? It would have helped him to conclusions more just, and to reflections more beneficial, than those which disfigure the latter portion of the first volume of his "Memorials," where he speaks of "the memory of Hampden not being stained by any appearance of his having been concerned in Strafford's attainder." If his name does not appear in the proceedings, neither does that of Oliver Cromwell: but what will the noble author of the "Memorials" infer from that? That Cromwell opposed the attainder? Is it even pretended that Hampden opposed it? By no means![1] We are simply told by lord Nugent, that, "being only doubtful as a matter of precedent, but clear to him in respect of the guilt of the accused person," and knowing that, if it did not pass, "all law but that of the sceptre and the sword was at an end," he — did what? — he stood by with all his lofty thoughts of the thousands of families whose quarrel he had embraced, and left the burden of the deed necessary for their happiness to his great fellow-labourer Pym, that he might himself escape the odium of having departed from a strict letter of precedent, and might appear graceful to an aristocratic posterity! And lord Nugent thinks he is adorning the memory of Hampden while striving to inflict this stain upon it, and talks of the in-

[1] "But why then, it is asked, if Hampden disapproved of the precedent of a bill of attainder, did he not make head against it as manfully as he had before supported the impeachment? Plainly, because in a case doubtful to him only as a matter of precedent, but clear to him in respect of the guilt of the accused person, in a case in which the accused person, in his estimation, deserved death, and in which all law but that of the sceptre and the sword was at an end if he had escaped it, when all the ordinary protection of law to the subject throughout the country was suspended, and suspended mainly by the counsels of Strafford himself, Hampden was not prepared to heroically immolate the liberties of England in order to save the life of him who would have destroyed them. Hampden probably considered the bill which took away Strafford's life, (and indeed it must in fairness be so considered) as a revolutionary act undertaken for the defence of the commonwealth. That in his conscience he believed it to be an act of substantial injustice to the person arraigned, no man has any right to conclude. I moreover aver, that there is not more ground for imputing a participation in that measure to him than to lord Clarendon, and not near so much as to lord Falkland." *Nugent's Memorials of Hampden*, vol. i. pp. 579, 580. Lord Clarendon supported the measure, and so, most certainly, did Lord Falkland.

justice which has been done to the great patriot on this point, by Clarendon and others. Why, if it be indeed true that he retired from the division on the attainder before the question was put, no doubt he had admirable reasons for doing so, and rested meanwhile on the surety of its passing; for even lord Nugent does not pretend to say that he had not its success much at heart. Why then blame Clarendon? For it seems to me that what Clarendon says (in one of his passages of covert and falsely coloured meaning) of Hampden's character so far bears out lord Nugent, and that they both conspire in this instance to reflect no additional honour on the patriot. "He begot many opinions and motions," says that historian, "the education whereof he committed to other men; so far disguising his own designs, that he seemed seldom to wish more than was concluded; and in many gross conclusions, which would hereafter contribute to designs not yet set on foot, when he found them sufficiently backed by majority of voices, *he would withdraw himself before the question, that he might seem not to consent to so much visible unreasonableness*."[1]

But this is merely another of lord Clarendon's dexterous attempts to mislead, and it is to be regretted that a friend to the "good cause" should in any way countenance it. What is lord Nugent's authority for his opinion that Hampden shrunk from the side of Pym during the progress of Strafford's attainder? I will quote the entire passage of the "Memorials." "Falkland, it appears clearly from sir Ralph Verney's notes, on the 15th of April, spoke in answer to Digby and in favour of the bill; Hampden never. And on the 16th,

[1] I have ventured to reprint these remarks on this great error, as I conceive it to be, of lord Nugent's book, from a periodical for which they were written at the time of its publication. I have seen no reason to alter my opinion during the last six years, and I again use the same expression of it, because it became the subject of remark and quotation in a subsequent controversy between Mr Southey and lord Nugent, and I would not be supposed to have merely stolen my present opinion from the "professor of the hip and thigh school," so often referred to there. I have had no reason hitherto to avoid avowing myself as that "hip-and-thigh professor."

while Hampden was on one committee to prepare heads for a conference "concerning their lordships' resolution to hear counsel in matter of law, and to desire that their lordships would use all expedition to give an end to this tryal as much as in justice may be,' Falkland was on another which was appointed to prepare heads for a conference 'concerning the *further* proceedings,' on the report of which committee it was that the bill was passed. In debate, Hampden never alluded to the proceeding by bill but once. On the 16th of April, when it was discussed, pending the attainder, whether the commons should continue to hear the earl's counsel at the bar of the lords, or proceed with the bill, St. John, having said that 'being possessed of a bill, they had made themselves judges, and being so, it were a dishonour to hear counsel any where but at their own bar;' and Colepepper having said, 'if we reply to lord Strafford's counsel before the lords, we prejudice our cause in taking away the power of declaring treason,' Hampden, according to sir Ralph Verney's notes, in opposition to his fellow managers, urged that they should proceed, not by bill, but by trial at the lords' bar. 'The bill now depending doth not tie us to goe by bill. Our counsel hath been heard; ergo, in justice we must heare his. Noe more prejudice to goe to heare matter of law, than to heare counsel to matter of fact.'" Now the latter words do not bear out the previous statement of them. It has been justly observed[1], that there is good reason to question whether, in this discussion, it was considered as an alternative to hear the earl's counsel at the lords' bar or proceed with the bill, for by the result of that day's debate it appears, that both were done, the committee answering, "after some deliberation with the house, that since the lords had so resolved, they would not deny it to be there present, and to hear what his counsel could say for him; but to reply any more in public they neither could nor would, because of the bill already past; only if the lords should take any scruple

[1] Quarterly Review, vol. xlvii. p. 501.

in the matter of law, they would be ready to give them satisfaction by a private conference." So that Hampden's opinion, it appears, prevailed, and the bill nevertheless proceeded. It has not been discovered that on any other occasion he alluded to the bill; and it is obvious that there is no ground here for such a charge as that of lord Nugent, or such a mere party statement as lord Clarendon's.

Very certain and unequivocal indeed must be the evidence that should so impugn Hampden's memory. Sufficient has been said in the progress of this work to prove that no one of that age — not even Pym himself — looked at the great question of resistance to tyranny on larger or more extended grounds, or in a more philosophic spirit. It was Hampden who first dared to anticipate a broader field of warfare than the floor of the house of commons, and to prepare himself for a more real struggle; and, constantly in communion with his friend and cousin, Oliver Cromwell, it was Hampden who advised with him great projects of freedom; whose penetrating spirit first pointed to that remarkable person, as likely to become, "in case of a breach with the king, the greatest man in England;" and whose virtue, at all times equal to his intellect and courage, would most surely, had not death stepped in, have prevented even Cromwell's traitorous usurpation on the English commonwealth.

Hampden's course in this parliament was given, while the great questions of Pym's life were detailed. Hampden was second to Pym alone, and to the aid of every thing which the wisdom and vigilance of that great statesman planned, he brought an influence of almost irresistible power. He was, as I have shown, an especially earnest promoter of the grand remonstrance, and of the anti-episcopal measures. In regard to the latter, it may be important here to use, as an illustration of his real opinions, even one of the most artful and disingenuous statements of Clarendon. Describing the first debate on the bill for taking away the bishops' votes, and

mentioning lord Falkland's support of it, "Mr. Hyde," in the dignity of the historian Clarendon, observes:—"The house was so marvellously delighted to see the two inseparable friends [Falkland and Hyde] divided in so important a point, that they could not contain from a kind of rejoicing; and the more, because they saw Mr. Hyde was much surprized with the contradiction; as in truth he was, having never discovered the least inclination in the other towards such a compliance; and therefore they entertained an imagination and hope that they might work the lord Faulkland to a farther concurrence with them. But they quickly found themselves disappointed, and that, as there was not the least interruption of close friendship between the other two; so, when the same argument came again into debate, about six months after, the lord Falkland changed his opinion, and gave them all the opposition he could: nor was he reserved in acknowledging, 'that he had been deceived, and by whom,' and confessed to his friends, with whom he would deal freely, 'that Mr. Hampden had assured him, that if that bill might pass, there would be nothing more attempted to the prejudice of the church:' which he thought, as the world then went, would be no ill composition."[1]

And why had that bill ceased to be a "good composition?" Because it was refused by the house of lords, when first presented there. It was the old story of the Sybil and her leaves; and though two hundred years have passed, that story is again in the course of rehearsal. No one should have known better than Clarendon the great truth which the very distinction he himself has marked between the early and later years of Hampden so strikingly illustrates — that justice deferred, and rights withheld, will always enhance the price at which safety and peace *must*, in the end, be purchased.

Hampden's mission to Scotland to overlook and check the king, is already before the reader; and I now approach the only speech which remains upon re-

[1] Hist. vol. i. p. 413, 414.

cord with his name attached to it. It purports to have been spoken on the memorable morning already so fully described, after the impeachment of the five members; among whom Hampden's eminence and boldness had of course placed him. I quote it, without abridgment, from a small quarto pamphlet of the time.

"Mr. SPEAKER,—It is a true saying of the wise man, 'That all things happen alike to all men, as well to the good man as to the bad.' There is no state or condition whatsoever, either of prosperity or adversity, but all sorts of men are sharers in the same: no man can be discerned truly by the outward appearance, whether he be a good subject either to his God, his prince, or his country, until he be tried by the touchstone of loyalty. Give me leave, I beseech you, to parallel the lives of either sort, that we may in some measure discern truth from falsehood; and in speaking I shall similize their lives.

"I. In religion towards God. II. In loyalty and due subjection to their sovereign, in their affection towards the safety of their country.

"I. Concerning religion. The best means to discern between the true and false religion, is, by searching the sacred writings of the Old and New Testament; which is of itself pure, indited by the Spirit of God, and written by holy men, unspotted in their lives and conversations: and by this sacred word may we prove whether our religion be of God or no; and by looking in this glass, we may discern whether we are in the right way or no.

"And looking into the same, I find by this truth of God, that there is but one God, one Christ, one faith, one religion, which is the gospel of Christ, and the doctrine of the prophets and apostles.

"In these two Testaments is contained all things necessary to salvation; if that our religion doth hang upon this doctrine, and no other secondary means, then it is true; to which comes nearest the protestant reli-

gion, which we profess, as I really and verily believe; and consequently that religion which joineth with this doctrine of Christ and his apostles, the traditions and inventions of men, prayers to the Virgin Mary, angels, saints, that are used in the exercise of their religion, strange and superstitious worshipping, cringing, bowing, creeping to the altar, using pictures, dirges, and such like, cannot be true, but erroneous, nay, devilish: and all this is used and maintained in the church of Rome, as necessary as the Scripture to salvation; therefore is a false and erroneous church, both in doctrine and discipline, and all other sects and schisms, that lean not only on the Scripture, though never so contrary to the church of Rome, is a false worshipping of God, and not the true religion. And thus much concerning religion, to discern the truth and falsehood thereof.

"II. I come now, Mr. Speaker, to the second thing intimated unto you, which was how to discern, in a state, between good subjects and bad, by their loyalty and due subjection to their lawful sovereign; in which I shall, under favour, observe two things.

"(1.) Lawful subjection to a king in his own person, and the commands, edicts, and proclamations of the prince and his privy council.

"(2.) Lawful obedience to the laws, statutes, and ordinances made, enacted by the king and the lords, with the free consent of his great council of state assembled in parliament.

"For the first. To deny a willing and dutiful obedience to a lawful sovereign and his privy council (for as Camden truly saith, *the commands of the lords, privy councillors, and the edicts of the prince, is all one, for they are inseparable, the one never without the other*), either to defend his royal person and kingdoms against the enemies of the same, either public or private; or to defend the ancient privileges and prerogatives of the king, pertaining and belonging of right to his royal crown, and the maintenance of his honour and

dignity; or to defend and maintain true religion, established in the land, according to the truth of God, is one sign of an evil and bad subject.

"Secondly. To yield obedience to the commands of a king, if against the true religion, against the ancient and fundamental laws of the land, is another sign of an ill subject.

"Thirdly. To resist the lawful power of the king, to raise insurrection against the king, admit him adverse in his religion, to conspire against his sacred person, or any ways to rebel, though commanding things against our consciences in exercising religion, or against the rights and privileges of the subject, is an absolute sign of a disaffected and traitorous subject.

"And now having given the signs of discerning evil and disloyal subjects, I shall only give you, in a word or two, the signs of discerning which are loyal and good subjects, only by turning these three signs already showed on the contrary side.

"(1.) He that willingly and cheerfully endeavoureth himself to obey his sovereign's commands for the defence of his own person and kingdoms, for the defence of true religion, for the defence of the laws of his country, is a loyal and good subject.

"(2.) To deny obedience to a king commanding any thing against God's true worship and religion, against the ancient and fundamental laws of the land, in endeavouring to perform the same, is a good subject.

"(3.) Not to resist the lawful and royal power of the king, to raise sedition or insurrection against his person; or to set division between the king and his good subjects, by rebellion, although commanding things against conscience in the exercise of religion, or against the rights and privileges of the subject; but patiently for the same to undergo his prince's displeasure, whether it be to his imprisonment, confiscation of goods, banishment, or any other punishment whatsoever, without murmuring, grudging, or reviling against his sovereign or his proceedings, but submitting willingly

and cheerfully himself and his cause to Almighty God, is the only sign of an obedient and loyal subject.

"I come now to the second means to know the difference between a good subject and a bad, by their obedience to the laws, statutes, and ordinances made by the king with the whole consent of his parliament. And in this I observe a twofold subjection: in the particular members thereof dissenting from the general votes of the whole parliament; and, secondly, the whole state of the kingdom to a full parliament.

"First. I confess, if any particular member of a parliament, although his judgment and vote be contrary, do not willingly submit to the rest, he is an ill subject to the king and country.

"Secondly. To resist the ordinances of the whole state of the kingdom, either by stirring up a dislike in the hearts of his majesty's subjects of the proceedings of parliament; to endeavour, by levying of arms, to compel the king and parliament to make such laws as seem best to them; to deny the power, authority, and privileges of parliament; to cast aspersions upon the same and proceedings, thereby inducing the king to think ill of the same, and to be incensed against the same; to procure the untimely dissolution and breaking off of the parliament before all things be settled by the same, for the safety and tranquillity both of king and state, is an apparent sign of a traitorous and disloyal subject against his king and country.

"And thus having troubled your patience, in showing the difference between true protestants and false subjects and traitors, in a state or kingdom, and the means how to discern them, I humbly desire my actions may be compared with either, both as I am a subject, protestant, and native in this country, and as I am a member of this present and happy parliament; and as I shall be found guilty upon these articles exhibited against myself and the other gentlemen, either a bad or a good subject to my gracious sovereign and native country, to receive such sentence upon the same as by this honour-

able house shall be conceived to agree with law and justice."

Mr. Southey thinks[1] that this speech inculcates the "doctrine of passive obedience," and lord Nugent thinks it a very constitutional speech. It is a matter of surprise that so eminent a writer as Mr. Southey, and an intellect so acute, should think it likely, or even possible, for such a man as he thinks Hampden to have been (the fiercest of rebels and the most insincere), placed in the circumstances under which the above is said to have been spoken, to deliver himself of such a "doctrine." What advantage was to be gained by it—or rather, what advantage was not to be lost? On the other hand, lord Nugent has been wanting in candour, and, taking the argument as he was content to rest it, must be said to have been worsted by his more experienced opponent.[2]

It occurred to neither of the disputants that the passages in dispute may have been garbled or incorrectly reported. Of this there cannot be a single doubt. The only writer who copies the speech is doctor Nalson, whose slavish propensities are well known, and whose "collections" were published by Charles II.'s special command; yet even he cautiously introduces it thus, "I find *among the prints* of that time." The editors of the old parliamentary history, though with a strong royalist tendency, were more honest; and they have refused to admit the speech in its present state into their work, on the express ground that it "was judged, by some learned gentlemen, to be surreptitious."[3] The outline is likely to have been correct enough, and probably it was this that furnished the interpolator with the hint on which he worked.

The Buckinghamshire petition has been mentioned. It was brought up to London, seven days after the

[1] Quarterly Review, before referred to.

[2] I refer at present to certain pamphlets which followed the appearance of a review of the "Memorials" in the Quarterly; and in which, I think, to almost every other advantage, Mr. Southey added the eminent one of temper

[3] Parl. Hist. vol. x p 169.

attempt upon Hampden and Pym, by upwards of 4000 freeholders, who had ridden up from their county, each with a copy of the recent protestation of the commons in his hat, to show their devotedness to the parliament, and to Hampden, their beloved representative. They complained of the "very being of parliaments endangered by a desperate and unexampled breach of privilege;" and concluded, "in respect of that latter attempt upon the honourable house of commons, we are now come to offer our service to that end, and resolved in their just defence to live and die." Subsequently a deputation of these bold brave men carried a petition in defence of Hampden to the king himself. A great effect was produced by the timely demonstration.[1]

The war began, and Hampden was one of the first in the field. He hastened to Buckinghamshire, and "under the woody brows of his own beauteous Chilterns," published the ordinance to marshal the militia of his native county. He was received with enthusiasm. The only persons who fell from his side, were some members of his own family. This is ever one of the greatest miseries of civil war, terrible as it is for every kind of misery. In a curious pamphlet of the day, a "Discovery of Mysteries," I find the following living and mournful picture of England in her present extremity:

[1] Hence the royalist falsehoods respecting it have been numerous. They are all embodied in one of the political lampoons of the day.

"Did I for this my county bring
To help their knight against their king,
And raise the first sedition?
Though I the business did decline,
Yet I conceived the whole design,
And sent them their petition."

In the same generous spirit Hampden's visits to Scotland are construed.

Did I for this bring in the Scot?
(For 't is no secret now) the plot
Was Say's and mine together.
Did I for this return again,
And spend a winter there in vain?
I went more to invite them hither.

Though more our money than our cause
Their brotherly assistance draws,
My labour was not lost;
At my return I brought you thence
Necessity, their strong pretence,
And this shall quit the cost.

—"A most unnatural war, the son against the father, and the father against the son: the earl of Warwicke fighteth for the parliament, and my lord Rich, his son, is with the king: the earle of Dover is with the king, and my lord Rochford, his son, is with the parliament: so one brother against another, as the earle of Northumberland with the parliament, and his brother with the king: the earle of Bedford with the parliament, and his brother with the king: master Perpoint with the parliament, and the earle of Newark with the king: Devereux Farmer with the parliament, and his brother, Thomas Farmer, together with his brother-in-law, my lord Cockain, with the king, and the like: and of cosens without number, the one part with the king, and the other with the parliament: and if they do this in subtlety, to preserve their estate, I say it is a wicked policie to undoe the kingdome, which all wise men should consider." This is indeed a fearful realisation of the poet's fancy!

But Hampden himself was the first, in this great hour, to throw aside every relation save those in which he stood to his country; and upon the issue of the contest which had now arrived, he cheerfully ventured all. He spared neither purse nor person. He subscribed 2000*l*. to the wants of the parliament, and accepted the commission of a colonel. A passage from one of doctor Heylin's articles, however, published in the Mercurius Aulicus on his death, conveys a feeling of the time which was entertained on both sides. "It was advertized this day, that on the death of Mr. Hampden, whom the lower house *had joyned as a coadjutor with the earle of Essex, or rather placed as a superintendant over him, to give them an account of his proceedings*, they had made choice of sir Henry Vane the younger, to attend that service, who, having had a good part of his breeding under the holy ministers of New England, was thought to be provided of sufficient zeale, not only to inflame his excellencie's cold affections, but to kindle a more fiery spirit of rebellion in his wavering souldiers." Be

his position what it might, it is certain that he had not been many days in the field, before he showed himself a thorough master of the military duties, and "performed them on all occasions most punctually." [1] The regiment of infantry with which he entered the war, was soon considered to be one of the best in the service of the parliament.

"The raising of troops," says lord Nugent, "and the garrisoning and fortifying of towns, proceeded with rapidity. The new levies were formed into regiments and brigades. Sir Thomas Fairfax, who had been sent down to assist sir John Hotham, began, but with small success, to collect a force which was destined to make head against the marquis of Newcastle in the north. On sir William Waller, who had the command at Exeter, devolved a like charge in the west, where sir Ralph Hopton, Slanning, and Grenvil, occupied the greater part of the country, and some of the small sea-ports, for the king. Lord Brook in Warwickshire, lord Say and his sons in Northamptonshire, the earl of Bedford in Bedfordshire, lord Kimbolton and Cromwell in Huntingdon and Cambridgeshire; and lord Wharton, Arthur Goodwyn, Mr. West, Mr. Bulstrode, Mr. Tirrell, and Mr. Richard Grenvil the high sheriff, in Buckinghamshire; Skippon and Hollis and Stapleton in Middlesex; and the sheriffs of Essex, Surrey, and Berkshire, in their respective counties; formed the militia reinforcements for the army, which was placed under the chief direction of the earl of Essex. This became soon the main army of the parliament; and, in the course of less than a month after the raising of the king's standard, the parliamentarian force throughout England amounted to about 25,000 men. The whole was at the disposal of the committee of publick safety. The divisions were generally placed under the command of such of the chiefs as had served in the wars of Gustavus Adolphus; and a few French and German engineers were engaged to superintend the fortifications and the drilling of the artillery. The

[1] Clarendon.

brigades and single regiments were raised and led by such of the noblemen and country gentlemen as were found combining with their local influence, activity, courage, and genius enough for military affairs, to be entrusted with commands. The regiments of infantry, as their clothing became more complete, assumed the colours of their respective leaders, — generally such as had been worn by the serving men of the families. Hollis's were the London red-coats; lord Brook's the purple; Hampden's the green-coats; lord Say's and lord Mandeville's the blue. The orange, which had long been the colour of lord Essex's household, and now that of his body-guard, was worn in a scarf over the armour of all the officers of the parliament army, as the distinguishing symbol of their cause. Each regiment also carried a small standard, or cornet, with, on one side, the device and motto of its colonel, and, on the other, the watchword of the parliament — "God with us." The earl of Essex's bore the inscription, "Cave, adsum," words not well chosen, as, in the course of the wars, they sometimes afforded occasion for jest among the cavaliers, when his regiment chanced to be seen in retreat, or engaged in levying contributions, or in some such other duties which were distasteful to the parts of the country over which it was moving, and which thus gave a somewhat whimsical air to the warning."[1] Some of these mottos were better chosen, and better justified. In the third year of the war, the second son of the earl of Leicester, Algernon Sidney, inscribed his standard with the words, "*Sanctus amor patriæ dat animum;*" and the motto which was borne at the head of Hampden's regiment resolutely indicated its great leader's course, "*Vestigia nulla retrorsum.*"

It appears, from the returns of lord Essex's army, that soon after the outbreak of the war, it must have consisted of, in the whole, nearly 15,000 infantry and 4500 horse. Of the former there were twenty regiments. The lord general's body-guard, and the regi-

[1] I have found several of these jests in the Mercurius Aulicus.

ments of the earl of Peterborough, the earl of Stamford, viscount Say, viscount Rochford, viscount St. John, lord Kimbolton, lord Brook, lord Roberts, lord Wharton, John Hampden, Denzil Hollis, sir John Meyrick, sir Henry Cholmely, sir William Constable, sir William Fairfax, Charles Essex, Thomas Grantham, Thomas Ballard, and William Bamfield. The cavalry were in seventy-five troops. These were all raised, as were many of the infantry regiments, at the charge of their commanders. They were the lord general's life-guard of gentlemen, and the troops of the earls of Bedford, Peterborough, and Stamford, viscounts Say, St. John, and Fielding, lords Brook, Wharton, Willoughby of Parham, Hastings, Grey of Groby, sir William Balfour, sir William Waller, sir Arthur Hazelrigge, sir Walter Erle, sir Faithful Fortescue, Nathaniel, Francis, and John Fiennes, Oliver Cromwell, Valentine Waughton, Henry Ireton, Arthur Goodwyn, John Dalbier, Adrian Scroope, Thomas Hatcher, John Hotham, sir Robert Pye, sir William Wray, sir John Saunders, John Alured, Edwyn Sandys, John and Thomas Hammond, Alexander Pym, Anthony and Henry Mildmay, James and Thomas Temple, Arthur Evelyn, Robert Vivers, Hercules Langrishe, William Pretty, James Sheffield, John Gunter, Robert and Francis Dowett, John Bird, Mathew Draper, Henry Dimmocke, Horatio Carey, John Neale, Edward Ayscough, John and Francis Thompson, Edward Keighley, Alexander Douglas, Thomas Lydcott, John Fleming, Richard Grenvil, Thomas Tyrill, John Hale, William Balfour, George Austin, Edward Wingate, Edward Bayntun, Charles Chichester, Walter Long, Edward West, William Anselm, Robert Kirle, and Simon Rudgeley. Sir John Meyrick was, according to the military phrase then in use, serjeant-major-general of this army, the earl of Peterborough general of the ordnance, and the earl of Bedford of the horse.

It was not so easy to equip the men as to raise them. Matchlocks, pikes, and pole-axes supplied, however,

the greater number of the infantry; and the cavalry were altogether better provided. The steel cap and gorget, the back and breast plates, the tassets descending to the knees, the long sword, carbine, and pistols — and, occasionally, the long lances — presented an unobjectionable setting out. The completeness of the defences of Hazelrigge's regiment won them the name of the "lobsters;" and that of "ironsides" has been immortally appropriated by Cromwell's men.

Hampden's first muster of his levies was made on the fatal field of Chalgrove, where he afterwards received his death wound. While engaged on this his earliest military duty, he illustrated the promptness and decision of his character. On hearing that some of the king's commissioners of array were in the neighbourhood, he suddenly, without dissolving the meeting, withdrew a small detachment from it, surprised the commissioners, and sent them prisoners to London.

The king had found himself, meanwhile, at the head of about 10,000 foot, 1500 dragoons, and 2000 ordinary horse. On first raising his standard at Nottingham he had but a "ragged array" of followers; but, having gone back to York, and traversed Derbyshire, Leicestershire, and Nottinghamshire, commanding the attendance of the trained bands, levying forced loans, and gathering to his "array" all the lowest and most dependent classes of the community, he found himself, on halting at Shrewsbury, in possession of the force I have named. It has never been denied that, as opposed to the great bulk of Charles's army, that of the parliament was infinitely more "substantial" and intelligent, — consisting of almost all the inferior gentry, freeholders, yeomen, and the sober and wealthy inhabitants of towns; in a word, of men who had best reason to know the value of those rights of liberty and property for which they now prepared to shed their blood. On the other hand, Charles had the church, or rather those still surviving influences which constituted its power before Pym and Hampden had rased

the power itself to the dust; he had all the Roman catholic party; he had the universities also; and, on either wing, as it were, of his army, he held a majority of the nobility and the old gentry of England. Many of the latter, indeed almost all, had joined him from no other feeling than that subtle and delicate sense of honour which the term loyalty implies, and out of the indescribable instinct of which — misplaced surely towards any but an absolute sovereign — they argued, that while their voices were their own in the great parliamentary struggle for the liberties and laws, their swords were the king's alone. "I am much unsatisfied with the proceedings here," wrote lord Robert Spencer to his wife from the king's camp, in the first months of the war; "nor is there wanting daily handsome occasion to retire, *were it not for grinning honour.* For let occasion be never so handsome, unless a man were resolved to fight on the parliament side, it will be said, without doubt, that a man is afraid to fight. *If there could be an expedient found to solve the punctilio of honour, I would not continue here an hour.*" The writer's scruples were speedily solved, for he fell fighting under the royal standard. To the same class of agonising doubts, notwithstanding all the protesting eloquence of Clarendon, belong those shrill and sad accents wherewith Falkland so often ingeminated the word *peace, peace!* He was not less weary of the times than of the position in which he found himself, and he had his passionate prayer of being "soon out of" them both. So, too, with sir Edmund Verney, the first standard-bearer to Charles. He disapproved of the cause in which he had engaged, as Clarendon confesses; but "he had eaten of the king's bread," and honour bound him to the service. He fell in the first battle.

But if "honour" was the bond of this section of the king's party, the faster and firmer bond of liberty held together the army of the parliament — massing, in one compact array, all the substantial yeomanry, the mer-

chants, the men of the towns, and a very large and formidable minority of the peerage and landed gentry of England. No doubts or scruples attended upon this cause. It gave a common and elevated object to the sympathies of all. It gave "life in death" to all the owners of it, and sufferers for it.

The civil war had now fairly begun, and much blood was shed in occasional skirmishes on both sides. Hampden was in Northamptonshire with a small brigade of infantry and some guns, accompanied by his fellow-representative for Buckinghamshire, Arthur Goodwyn, and his regiment of cavalry. News reached him that lord Brook, who had been threatened with a siege in his own castle, was suddenly very close pressed in Warwickshire, and he instantly hastened to his aid. Meanwhile the gallant Brook, after a noble and high-spirited triumph [1], had begun a march on Northamptonshire, and Hampden's brigade met him at Southam. A little army was thus formed — acting as the right wing to Essex — and the first strong division openly in action. Lord Say, lord Grey, Denzil Holles, and Cholmley, were in command along with Brook and Hampden.

In the middle of the night, the force of lord Northampton, much more considerable in numbers, approached within two miles of Southam, and the drums beat to arms. "Upon hearing whereof, the soldiers, possessed with joy that their enemies, the cavaliers, were so near, gave a great shout, flinging up their hats and clattering their arms till the town rang again; and, casting aside all desire of meat and lodgings provided for them, went immediately into the field adjoining to the town, ready for battle, where they continued till the morning."[2] The enemy appeared at daybreak on the Dunsmore road and lanes adjoining. At eight o'clock the fight began. Hampden, who had taken post with his brigade on some rising ground, charged first; and, after a hot

[1] See Nugent's Memorials, vol. ii p 224. A most interesting passage.
[2] "A true and perfect relation," &c. quoted in lord Nugent's Memorials, vol. ii p 228.

skirmish, the royal troops gave way, and were pursued to the river. This was the first serious skirmish of the war, and Hampden was the first to charge in it.

Essex's movements were, meanwhile, wavering and compromising; and irrevocable mischief might have been done, even thus early, to the cause, but for the wonderful energy of Hampden and lord Brook. The eloquence of the latter nobleman's addresses to his soldiers pierced through the mailed bosoms of the dullest among the troops, and inspired them with an ever lively enthusiasm. "If the nobility and bravery of the cause," he told some raw reinforcements in the hall of his noble old fortress at Warwick, "be not sufficient to animate cowards, and make even the meanest spirits courageous, I know not what possibly can stir up mortal men to put on undaunted resolutions." These young troops marched to the assistance of the main army at Northampton, and were the bravest there! Hampden's activity and unwearied energy were surprising: now, at the head quarters of Essex; now leading his brigade in the general advance upon Worcester; now present at the committee of public safety in London; again, in a few days at Aylesbury, near which, supported by Denzil Holles, he gave sharp fight to a detachment of the enemy, repulsed and pursued them to Oxford, and then rejoined Essex. In every action or skirmish, Hampden, perhaps too boldly, exposed his person with such a daring intrepidity as, among thousands of men, raised him to a conspicuous mark above them all.

The first great pitched battle now approached. On a bright and cold morning, the 23d of October 1642, the king of England found himself, for the first time, opposite the thick and dark masses of the army of the parliament of England. He was on the brow of a hill, and separated from his enemy by a plain, called the "Vale of the Red Horse," at Keynton-field, or Edgehill, in Warwickshire. He addressed his officers in his tent eloquently and bravely: — "If this day shine

prosperous unto us," said he, "we shall all be happy in a glorious victory. Your king is both your cause, your quarrel, and your captain. The foe is in sight. Now show yourselves no malignant parties, but with your swords declare what courage and fidelity is within you. I have written and declared that I intended always to maintain and defend the protestant religion, the rights and privileges of parliament, and the liberty of the subject; and now I must prove my words by the convincing argument of the sword. Let Heaven show his power by this day's victory, to declare me just, and as a lawful, so a loving, king to my subjects. The best encouragement I can give you is this, that, come life or death, your king will bear you company, and ever keep this field, this place, and this day's service in his grateful remembrance." He then rode along the lines, clad in steel armour, and wearing a black velvet mantle over it, on which glittered his brilliant star and george. Never did Charles I. seem so respectable as when about to shed the blood of the bravest and most conscientious of his subjects.

Old lord Lindsey, his general-in-chief, disgusted with the overbearing insolence of prince Rupert, acted as though only nominal commander, and put himself at the head of his regiment, with this fervent prayer, "Oh, Lord! thou knowest how busy I must be this day. If I forget Thee, do not thou forget me. March on, boys!" When old major-general Skippon, some days after, was in a similar position, he used language to the troops of the parliament, which was as homely, and proved more effective. — "Come, my boys, my brave boys, let us pray heartily, and fight heartily. I will run the same fortunes and hazards with you. Remember the cause is for God, and for the defence of yourselves, your wives, and children. Come, my honest, brave boys, pray heartily, and fight heartily, and God will bless us."

The armies had confronted each other — 10,000 on the side of the commons, and 12,000 on that of the

king — from ten o'clock in the morning; but the fight did not begin till two. The royalists would not leave their position. The parliamentarians were the first to advance; and the enemy then gallantly descending into the plain, the battle soon hotly raged on both sides. In the front, with each a pike in his hand, Essex and Lindsey fought with heroic gallantry. Suddenly prince Rupert made a desperate and impetuous charge, and broke the left wing of the parliamentarians, who immediately fled. The braver regiments of the right wing and centre held their ground, charged gallantly in return, and took several of the king's guns. Rupert meanwhile pushed on after the fugitives with his characteristic love of plunder, even as far as Keynton itself, a distance of three miles; when two regiments, led by Hampden, were seen hastening across the enclosures to support the mangled squadrons of flying horse. He had left Stratford-on-Avon the night before, and pushed on with Grantham's regiment, his own green coats, and five guns, which the men had dragged with difficulty through the deep roads. He formed instantly, and, opening fire on Rupert, obliged him to turn in great confusion. Hampden could not follow.

The king's army were sorely pressed at the time of Rupert's re-arrival among them; and, night closing in, both parties left the field. Lord Lindsey had fallen covered with wounds. Sir Edmund Verney was also slain, and the royal standard was taken and re-taken. On the side of the parliament two colonels, Charles Essex and lord St. John, perished; and the entire number of men left dead upon the field are said to have been about 5000. Charles Pym behaved most gallantly. A parliamentary soldier, dying of his wounds, declared that his deepest grief was having received his death from the hand of his brother. He had recognised him among the royal troops, and turned aside; but not in time to avoid the fatal carabine, which was impetuously discharged from the hand that had never

before been raised but in affection.[1] Both sides claimed the victory.

Hampden joined Essex early on the following morning, and implored him earnestly to press forward, force the king's position, relieve Banbury, and throw himself at once on the contested line of the road to the capital. Essex was timid and indecisive: he marched, in preference, on Coventry; while the king, taking Banbury in his way without resistance, marched to Oxford, where he halted.

The next movement of Essex, after considerable sluggishness, was upon Northampton; Hampden and Arthur Goodwyn leading the advanced guard. Lord Nugent has produced a letter which during the march Hampden wrote from Northampton to the lieutenants of Buckinghamshire to encourage them. —

"To my noble friends, colonel Bulstrode, captain Grenvil, captain Tyrell, captain West, or any of them.

"Gentlemen — The army is now at Northampton, moving every day nearer to you. If you disband not, we may be a mutual succour to each other; but, if you disperse, you make yourselves and your country a prey.

"You shall hear daily from your servant,

"Northampton, Oct. 31." "John Hampden.

"I wrote this enclosed letter yesterday, and thought it would have come to you then, but the messenger had occasion to stay till this morning. We cannot be ready to march till to-morrow; and then, I believe, we shall. I desire you will be pleased to send to me again as soon as you can, to the army, that we may know what posture you are in, and then you will hear which way we go. You shall do me a favour to certify me what you hear of the king's forces; for I believe your

[1] D'Israeli's Commentaries, vol. v. p. 57.

intelligence is better from Oxford and those parts than ours can be.

"Your humble servant,

"JOHN HAMPDEN.

"Northampton, Nov. 1. 1642."

Brentford, meanwhile, was occupied by Hollis's regiment only. A numerous force of cavalry, with some pieces of artillery, under the command of Rupert, unexpectedly fell upon them. Essex was in the house of lords when the roaring of the cannon reached him. He mounted horse instantly, and rode to the scene of action, where he found the regiments of Hampden and lord Brook already to the rescue, and the royalists retiring, after having done some serious mischief. Five times had Hampden and Brooke charged the streets to open passage for retreat to Hollis's brave and suffering men, and five times were repulsed by overwhelming numbers and with great carnage.

A reinforcement arrived on the following morning. Hampden proposed then to march 3000 men to Hounslow, and cut off the king's retreat on Oxford, while Essex and the main army attacked him in front. This was agreed to; but he had not proceeded a mile on his gallant errand, when he was overtaken by counter orders. Here was another great error. Hampden was obliged to direct his march to Reading. Clarendon himself admits, "There had been, in the secret committee for the carrying on the war, forming those designs, and administering to the expenses thereof, a long debate, with great difference of opinion, whether they should not march directly with their army to besiege Oxford, where the king and the court was, rather than Reading; and, if they had taken that resolution, as Mr. Hampden, and all they *who desired still to strike at the root*, very earnestly insisted upon, without doubt they had put the king's affairs into great confusion. For, besides that the town was not tolerably fortified, nor the garrison well provided for, the court, and mul-

titude of nobility, and ladies, and gentry, with which it was inhabited, bore any kind of alarum very ill."[1]

These words of Clarendon, "strike at the root," explain the cause of these unhappy differences. Essex remained unimpeached in honour, but he never was for "striking at the root." He had not, like Hampden, when he drew his sword cast away the scabbard. He never saw himself near to a great victory that he did not tremble; in defeat and disaster alone he stood erect and gallantly.

Hampden, mortified and sorrowful, sat down with his forces before Reading. Some few short months before he had brought home a bride from that pleasant town! This very fact, coupled with a knowledge that the majority of the inhabitants were really well affected to the cause, probably guided him in his course of only firing a few shots into the town, though commanding a view of almost every street. Colonel Lewis Kirke, the father of the infamous Kirke, commanded the royalist garrison there; and colonel Urrie, so soon after a renegade, seconded Hampden with a small body of cavalry. Kirke attempted several sallies, and was repulsed with loss; and at daybreak, on the third morning, Hampden and Urrie, judging the garrison fatigued and dispirited, determined to attempt the walls by assault. Accordingly, advancing silently from the trenches with 400 picked men, Hampden, in the grey twilight of the morning, passed the outer and second ditch, and, mounting the rampart, threw himself into the northernmost bastion. A desperate resistance was made, and terrible slaughter accompanied it. Then Hampden, calling forward the reserves, placed himself at the head of a second attack, and again, with fresh men struggling up the walls renewed the fight on the breast of the main work. Kirke, upon this, drew out the whole garrison, and the "conflict came to push of pike," chief to chief, each at the head of his party, and each cheering his men by desperate achievement. Hamp-

[1] Clarendon's History of the Rebellion, vol. iv p. 39, 40.

den, however, overpowered by force, must have retired, when Urrie, who had detached himself to the right, pushed between the cavaliers and the town. The fire from the inhabitants at once ceased; and, after four hours' terrible struggle, and 400 men of the garrison left dead in the place, Kirke abandoned the defence and escaped to Oxford. Hampden remained master of Reading, of many stores, much baggage, and a large number of prisoners.[1]

And so closed the first year of the war, — brilliant successes, on a comparatively small scale, by Hampden — great opportunities lost by Essex! The king might be said to be victor; because he ought to have been, and was not, vanquished.

Meanwhile, Hampden had become more than ever dear to the popular party, and hateful to the court at Oxford. The filth of the "Mercurius Aulicus," poured out upon him by its religious editors, testified to both feelings. About this time I find the following in that loyal publication: —"It is advertized by some who have been curious in the observation, that Mr. Hampden, one of the five members so much talked of, hath had many great misfortunes since the beginning of these present troubles, whereof he hath beene a principall mover; particularly that he hath buried since that time two of his daughters, one grandchild which he had by a daughter married to sir Robert Pye the younger, his owne eldest sonne and heir; there being two only sonnes surviving, whereof the one is said to be a cripple, and the other a lunaticke; — of which whatever use may be made by others, 'tis not unfit but that the party whom it most concerns would lay it close unto his heart, and make such use thereof as the sad case invites him to."[2]

[1] Lord Nugent's Memorials, vol ii p 348 Kingdom's Weekly Intelligencer

[2] Mercurius Aulicus, 1 th week The same brutal writer observed, on the news of the patriot's early death — "Saturday, June 24 This day we were advertized that master John Hampden (the principal member of the five) was dead of those wounds he received on Sunday last If so, the reader may remember, that in the 15th weeke of this 'Mercurius,' we told the world what sure warning master Hampden 'had received since the beginning of this rebellion (whereof he was a chiefe incendiary), how

Anything more horrible than such an attack as this (supposing it true) could scarcely be conceived. It was a gross falsehood, with only so much truth as to give bitter pain to its illustrious object. He had indeed lost his eldest son, and his favourite and beloved daughter Mrs. Knightley. He was seldom known to smile afterwards.

Nothing, however — not even such sorrows — could quench his indomitable activity. He was now almost daily on the road between the advanced posts of the army and London, and was frequently able to discharge, in the same day, his double duties at the army and with Pym in the public committee. The poet Denham, then in the king's service, thus described it, at this time, in one of the lampoons from which I have already quoted: —

"Have I so often passed between
Windsor and Westminster unseen,
And did myself divide,
To keep his excellence in awe,
And gave the parliament the law,
For they knew none beside?"

Fortunately for Denham and his party, this was not altogether true. Hampden was not able to "keep his excellence in awe." His excellency's timidity still forced him into every kind of error; and so manifest, especially to the royalists, was the superiority of Hampden, that they attempted, with daring artfulness, to sow dissensions in the troops of the enemy by plain statements of a rivalry for the parliamentarian command. I find the following in the "Mercurius Aulicus:" — "It was this day reported exceedingly confidently, by some who came from London lately, how it was noised in the city, that the earle of Essex *was to leave the place of generall unto Mr. Hampden*, as

he had buried his son and heir and his two daughters, two only sons surviving, whereof one was a cripple and the other a lunaticke,' which, though this desperate man was unwilling to make use of, yet sure it may startle the rest of his faction, especially if they consider that Chalgrove Field (where he now received his mortal wound), was the selfsame place where he first mustered and drew up men in armes to rebel against the king. But whether the life and death of the lord Brook or master Hampden be the better lesson against treason and rebellion, let posterity judge."

one more active, and so by consequence more capable of the style of excellencie; which, though it proved not so in the event (*as it is not likely*), yet shows it clearly what an ill opinion the principal maintainers of this rebellion have of this said earl; and with how little confidence the common soldiers will be brought to spend their lives under the colours and command of such a generall, of whom they have so manifested a distrust by their common talke, and whom they have so publickly expo ed to contempt and scorn in abusive pictures." No doubt it was from this authority that Anthony Wood derived his statement of such an intention of placing Hampden in chief command having been entertained at the commencement of the war. No good authority ever existed for it, happy as the issue might have been for England.

On the occurrence and disclosure of the Waller plot, in which a cousin of Hampden was found dishonourably implicated, a base advantage was taken of the name by the slavish scribes at Oxford to throw out the vilest insinuations against Hampden's honesty and virtue. I find this alluded to in one of the journals of the parliament; and the extract is curious and valuable, since it supplies, what has more than once been questioned, the real relationship of Waller's fellow-conspirator to the patriot. "In this place, that I may not exceed the length of my semanicall intelligence, I should return again to speak somewhat more of the discovery of the plot which I made mention of before; the malevolents cannot endure to hear of any at all, *yet some would seem to admit of it upon condition that colonell Hampden might be involved as a conspirator therein*; and, therefore, hearing that one Hampden was intrusted about it, they have reported that it was colonell Hampden, or his brother, Mr. Richard Hampden. And lest this report should breed any mistake abroad, and so derogate from the worth of these noble and faithful gentlemen, I will be bold to speake a word or two of their pedigree, so farre only as will cleare the matter. Mr. Alexander

Hampden that is committed was son to sir Edward Hampden of Northamptonshire, and travelling into the Low Countries, became cross-bearer to the queen of Bohemia, and since the wars came over into England, and remained in the king's army till hee was sent with a message to the parliament, and before hee was returned back with an answer the plot was discovered. It is true, they were brothers' children, and it is too frequent, in these times especially, that those which are neare of blood are one against another."[1]

Meanwhile, Hampden had just achieved one of his most valuable services to the cause, in forming with Pym that celebrated association of counties to which Cromwell was afterwards chiefly indebted for his most brilliant successes. At this time, suddenly, Lord Northampton attacked his regiment, and was repulsed with loss. The next affair he was engaged in — the assisting Grenvil to recover Brill Hill, a post of great strength, between Aylesbury and Thame — was unsuccessful. "Mercurius Aulicus" made much of this; and, returning to the subject a second and third time, — I find every week some correction of an error he had fallen into in describing the 'businesse and successe' at Brill. "For whereas, by the first intelligence which was given from thence, it was advertized that the forces brought before the towne were conducted by Mr. Arthur Goodwin, and that captain Greenvill, the last yeare's sheriff of Buckinghamshire, had been killed in the enterprize; it proved, on further information, that the commander of the rebels was not colonel Goodwin, but one as good as he, *per omnia*, viz. Mr. Hampden, *the other of the two excepted in his majestie's pardon for the county of Buckingham;* and that Greenvill was not killed outright, but mortally wounded in the belly, so that it was conceived he could hardly escape it."

The royalists had now a series of successes: lord Wentworth, the young and gallant son of the great lord Strafford, distinguished himself; and the noble

[1] King's Pamphlets, 117 4to.

and good lord Brooke was slain by a musket shot in the brain, fired from the cathedral tower of Lichfield, as he was directing the advance of a body of troops up a street leading towards the close. This was an irreparable loss; and a loss more fatal still was now near at hand.

Some serious discontents occurred, about this period, in the regiments which held Reading, in consequence of an ague breaking out in that town. Hampden's regiment took part in them. He hurried instantly from Westminster, where he was at the time, and, by his prompt boldness and frank courage, reduced the mutineers to perfect discipline.[1] His spirit wearied, however, after some great enterprise, which Essex dared not attempt. Deeply sorrowful, yet quiet in obedience, as became the place he filled, he waited on in hope. The soldiers are said, and with much probability, to have now clamoured for him as their leader; but the only notice Hampden took of this was worthy of his noble and generous mind. He placed himself in more frequent communication with Essex, and seemed to counsel him and promote his views. But counsel from Hampden continued vain in that quarter still; — vain as when, on four different occasions — after Edgehill, after Brentford, after the attack on Reading, and now after the fall of Reading — its rejection had possibly baffled the immediate and final decision of the war. The time had now come when no more counsel could be given, and none rejected more.

The renegade Urrie, thoroughly versed in the country and the habits of the parliamentarian army, now planned the expedition which ended in the eventful fight of Chalgrove. He gave the treacherous information, that two regiments of the forces he had left lay exposed to attack at Wickham. Prince Rupert, acting on this, attacked those regiments unexpectedly; at Postcombe first, and then at Chinnor; slew or took them "to a man," committed infinite cruelties, and marched

[1] Lord Nugent's Memorials, vol. ii. p. 412. Coates' Papers, May 26.

back upon Oxford. Hampden had, on the preceding day, strongly represented to Essex the danger to which this part of the line was exposed, and urged the necessity of strengthening it by calling in the remote piquets from Wycombe.

It was now too late for this; but not too late, in Hampden's active and resolute thought, to prevent further danger. "He had obtained in early life," says lord Nugent, "from the habits of the chase, a thorough knowledge of the passes of this country. It is intersected, in the upper parts, with woods and deep chalky hollows; and, in the vales, with brooks and green lanes; the only clear roads along the foot of the hills from east to west, and these not very good, being the two ancient Roman highways, called the Upper and Lower Ickenild Way. Over this district he had expected that some great operation would be attempted on the king's part, to force the posts round Thame and turn the whole eastern flank of the army. To this neighbourhood he had, the evening before, repaired, and had lain that night in Watlington.[1] On the first alarm of Rupert's irruption, he sent off a trooper to the lord general at Thame, to advise moving a force of infantry and cavalry to Chiselhampton Bridge, the only point at which Rupert could recross the river. Some of his friends would have dissuaded him from adventuring his person with the cavalry on a service which did not properly belong to him, wishing him rather to leave it to those officers of lesser note, under whose immediate command the piquets were. But, wherever danger was, and hope of service to the cause, there Hampden ever felt that his duty lay. He instantly mounted, with a troop of captain Sheffield's horse, who

[1] "It is traditionally said, that a military chest of money was left at the house of one Robert Parslow, where Hampden lay that night, and that it was never called for after, by which means Parslow was enabled to bequeath a liberal legacy to the poor of that parish. On every anniversary of his funeral, November 19th, a bell tolls in Watlington, from morning till sunset, and twenty poor men are provided with coats. These particulars I derive from the intelligent Mr John Badcock, for forty years a resident at Pyrton and its neighbourhood but now of St Helen's, who wrote in 1816 a very ingenious little history of Watlington."

volunteered to follow him; and, being joined by some of Gunter's dragoons, he endeavoured, by several charges, to harass and impede the retreat, until lord Essex should have had time to make his dispositions at the river. Toward this point, however, Rupert hastened, through Tetsworth, his rear guard skirmishing the whole way. On Chalgrove Field, the prince overtook a regiment of his infantry; and here, among the standing corn, which covered a plain of several hundred acres (then, as now, unenclosed), he drew up in order of battle. Gunter, now joining three troops of horse and one of dragoons, who were advancing from Easington and Thame over Golder Hill, came down among the enclosures facing the right of the prince's line, along a hedge-row which still forms the boundary on that side of Chalgrove Field. The prince, with his life guards and some dragoons, being in their front, the fight began with several fierce charges. And now, colonel Neale and general Percy coming up, with the prince's left wing on their flank, Gunter was slain, and his party gave way. Yet every moment they expected the main body, with lord Essex, to appear. Meanwhile Hampden, with the two troops of Sheffield and Cross, having come round the right of the cavaliers, advanced to rally and support the beaten horse. Every effort was to be made to keep Rupert hotly engaged till the reinforcements should arrive from Thame. Hampden put himself at the head of the attack; but, in the first charge, he received his death-wound. He was struck in the shoulder with two carabine balls[1], which,

[1] "On the king's part, in this action, were lost, besides few common men, no officers of note, but some hurt: on the enemies' side, many of the best officers, more than in any battle they fought, and amongst them (which made the news of the rest less inquired after by the one, and less lamented by the other) colonel Hampden, who was shot in the shoulder with a brace of pistol bullets, of which wound, with very sharp pain, he died within ten days, to as great a consternation of all that party as if the whole army had been defeated and cut off." — *Clarendon's History of the Rebellion*, vol iv p. 81, 82 *restored text* In a second passage of this restored text, portions of which seem to have been struck out by Clarendon himself, there is a second allusion to the wounded, after which the writer proceeds: "Of which Mr. Hampden was one, who would not stay that morning till his own regiment came up, but put himself a volunteer in the head of those troops who were upon their march, and was the principal

breaking the bone, entered his body, and his arm hung powerless and shattered by his side. Sheffield was severely wounded, and fell into the hands of the enemy. Overwhelmed by numbers, their best officers killed or taken, the great leader of their hopes and of their cause thus dying among them, and the day absolutely lost, the parliamentarians no longer kept their ground. Essex came up too late; and Rupert, though unable to pursue, made good his retreat across the river to Oxford."

Immediately after this melancholy day, "a true relation" of the affair was published in London. I present it, without abridgment, from the king's collection of pamphlets. When it appeared Hampden yet lived, and hope was entertained of his recovery: —

"Upon Monday last it was informed, by divers letters, and several persons that came from the army, to this effect, namely — That on Saturday last, three or four troops of the king's forces having wheeled about from Abington to Wallingford, and from thence towards Stoken Church, under the hills near to Tetsworth, they came unto a town three miles from Thame, called Chinner (at which place the lord generall, with his maine forces, consisting, as it is credibly informed, of very neer 30,000 able fighting men, were quartered), it being upon the edge of Buckinghamshire, at which place were quartered about 400 of the parliament's forces, the greatest part whereof were forces that lately came to assist his excellencie in the parliament's service, which came out of Bedfordshire and Essex; and missing of the parliament's scouts, they came to the said

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cause of their precipitation, contrary to his natural temper, which, though full of courage, was usually very wary; but now, carried on by his fate, he would by no means expect the general's coming up, and he was of that universal authority that no officer paused in obeying him. And so in the first charge he received a pistol shot in his shoulder, which broke the bone, and put him to great torture, and after he had endured it about three weeks, or less time, he died, to the most universal grief of the parliament that they could have received from any accident: and it equally increased the joy for the success at Oxford, and very reasonably; for the loss of a man, which would have been thought a full recompence for a considerable defeat, could not but be looked upon as a glorious crown of a victory." Is it possible, after this, to credit the statement which has been made of Charles's affected sympathy, and offer to send his own surgeon to Hampden?

towne, and gave a sudden assault against the parliament's forces there, and cut off some of their sentinels, and entered the towne, and, according to their barbarous and destructive manner, fired the same in divers places. But, before I proceed in the further relation of this businesse, I may not forget the valour and courage of the parliament's forces, which were in this towne; for they charged the enemie with as much courage and resolution as could be expected or performed by men being unexpectedly assaulted, and continued fighting with them many houres. Upon this assault of the enemie, an alarm was given at the lord generall's quarters at Thame, upon which divers troops of horse were designed to sally forth upon this expedition; and amongst those colonells and commanders that were, at an instant, willing to hazard their lives upon this designe, colonel Hampden (who is a gentleman that hath never been wanting to adventure his life and fortunes for the good and welfare of his king and countrey) may not be forgotten, who, finding of a good troop of horse (whose captaine was at that time willing), desired to know whether they would be commanded by him upon this designe: whereupon the officers and common souldiers freely and unanimously consented, and proffered to adventure their lives with this noble gentleman, and showed much cheerfulnesse that they could have the honour to be led by so noble a captain. And so the said colonell Hampden, and some other colonells and captains, came with a considerable party of horse with all expedition, to assist the rest of their forces, which as aforesaid were quartered at Chinner: and as soon as the cavaliers perceived that some of the lord general's forces were come in from Thame, they presently fled from Chinner backe again towards Tetsworth, and were then pursued by colonell Hampden and the rest of the lord generall's forces that came upon this designe about two miles; in which pursuit there were many of the king's forces killed and taken prisoners. In which retreat this is observable, that the cavaliers (as it appeared after-

wards) had plotted, in a perfidious manner, to have intrapped the parliament's forces, and to have killed or taken them all prisoners. But it pleased God to prevent their plot; for in the way prince Rupert, who, with about 1000 horse, lay in ambush ready to fall upon the parliament's forces, as they were in pursuit of the first victory, appeared and gave a hot charge upon the parliament's forces: but although the earl of Essex's sex's forces were scarce ten for one that were at this time in the battel, yet they gave them a brave volly of shot, and slew many of the enemie's forces as well at this place, which was near Tetsworth, as at Chinner, and for some time, it being Sunday morning, held them fight without the losse of many men: but, at last, the enemie having intelligence that some regiments of foot were coming from Thame of the lord general's forces, they retreated towards Abington, and durst not fight till they came in, for the foot forces are a great amazement unto them.

"Having thus farre in a generall manner declared the truth of this businesse, it rests, in the next place, that I enter into some particulars concerning the same, for the better satisfaction of the kingdome, whose expectation thirsteth after the same. I dare not delude with false and fabulous matter, and therefore I shall (being the first relater hereof) omit uncertain reports, rather than committ that to writing which hereafter may be questionable; and therefore I shall be more sparing therein, and write only those things which are authenticke; which that I may doe, — First, it is certain that colonell Hampden, that noble and valiant gentleman, received a shot with a bullet behind in the shoulder, which stuck between the bone and the flesh, — but is since drawn forth, and himself very cheerfull and hearty, and is, through God's mercy, more likely to be a badge of honour than any danger of life.

"Serj^{t}. Major Gunter, a gent^{n}. of the parliament's side, was slain, and Capt^{n}. Buller (as it is thought) taken prisoner: some other prisoners were taken on the

parliament's side; but, in regard the particulars of the fight were not known when the intelligence came from the armie, I shall omit to particularize any more of them.

"On the enemie's side was slaine Captⁿ. Legge (who was once taken prisoner by the parliament's forces, and made an escape); and it is said that Col. Urrey, which was heretofore imployed in the parliam^ts. service, and was the last weeke in London, is either killed or taken prisoner. Thomas Howard is also taken prisoner by the parliament's forces, with divers other gent. of quality, besides common souldiers.

"The certaine number that were slain on either side, I shall not at this time relate, for that it was not knowne in the army when the post that brought this tidings came from thence; but it is reported that there was an equal loss on both sides, there being 400 slaine on both sides.

"A great part of the towne of Chinner was burnt by the king's forces; by which doings, compared with what hath been certified out of other parts, we may see that killing, burning, and destroying of all that is deare to us, — is the religion, lawes, and property of the subject they seeke for."

Essex himself immediately wrote to the speaker of the house of commons; and, anxious to preserve the immediate records of this memorably mournful event, I have extracted this letter, dated the day after Hampden received his wound, from the same sources: —

"Sir, — There being some of my horse that had an encounter with the enemy yesterday, being Sunday, I have thought fit to give the house an account of the particulars of it, knowing how apt many are to report things to our disadvantage.

"About two of the clock on Sunday morning, the enemy, with about 1200 horse, and a great body of dragoons, felle into a towne called Porcham [Postcombe], where one troop of horse (being Col^l. Morley's) was quar-

tered, of which they took the greatest part, and from thence went not far to another village called Chinner, where they beat up some of the new Bedfordshire dragoons, and took some of them prisoners, and three of their colours; and some of the officers behaving themselves very well, and defending the houses wherein they were, they set fire to the towne. These being out quarters, the alarm came where major Gunter lay with three troopes (viz.), his owne, captain Sheffield's, and captain Crosse's, whom he presently drew out, and marched towards the enemy. Colonell Hampden being abroad with sir Samuel Luke, and onely one man, and seeing major Gunter's forces, they did go along with them. Col. Dalbeir, the quartermaster-generall, did likewise come to them. With these they drew near the enemy, and finding them marching away, kept still upon the reare for nearly five miles. In this time there joyned with them captain Sander's troop, and captain Buller, with fifty commanded men, which were sent to Chinner by sir Philip Stapleton (who had the watch here that night at Thame), when he discovered the fire there, to know the occasion of it; he likewise sent one troope of dragoons under the command of captn. Dundasse, who came up to them. There were likewise some of col. Melve's dragoons that came to them. At length our men pressed them so near, that, being in a large pasture ground, they drew up, and notwithstanding the inequality of the numbers, we having not above 300 horse, our men charged them very gallantly, and slew divers of them; but while they were in fight, the enemy, being so very strong, kept a body of horse for his reserve, and with that body wheeled about and charged our men in the reare, so that, being encompassed and overborne with multitudes, they broke and fled, though it was not very far; for when I heard that our men marched in the reare of the enemy, I sent to sir Philip Stapleton, who presently marched toward them with his regiment, and though he came somewhat short of the skirmish, yet seeing our men retreat in that disorder,

he stopt them, caused them to draw into a body with him, where they stood about an hour: whereupon the enemy marched away. In this skirmish there were slain forty and five on both sides, whereof the greater part were theirs.

"They carried off the bodies of divers persons of quality. On our side major Gunter was killed, but some say he is prisoner, and so hurt; a man of much courage and fidelity, his bravery engaging him and his small party too far. Col. Hampden put himselfe in captaine Crosse his troope, where he charged with much courage, and was unfortunately shot through the shoulder. Sir Samuel Luke thrice taken prisoner, and fortunately rescued. Captn. Crosse had his horse killed under him in the middest of the enemy, and was mounted by one of his own men, who quitted his own horse to save his captain.

"Captn. Buller was shot in the neck, who showed very much resolution in this fight, taking one prisoner after he was shott. Monsieur Dalbier, with captaine Bosa, and captn. Ennis, did likewise carry themselves very well. Wee likewise lost two colours, major Gunter's and captain Sheffield's. No prisoners of quality were taken by the enemy, but captn. Sheffield's brother. Prince Rupert was there in person, and the renegado Urrie. Wee took prisoner one of the earl of Berk's sons; captn. Gardiner, the late recorder's son of London; and captn. Smith, with some others of quality, and divers prisoners.

"Sir, — this is the true relation of what passed in this businesse. I rest

"Your assured friend,

"Thame, 19th of June, 1643." "Essex.

The graphic touches of the following, taken from one of the parliament newspapers, will complete the sad narrative: — "In the late skirmish with the cavaliers, between Thame and Oxford, my lord generall's own letter, in print, expresses the particulars where five troops of the

parliament's forces charged fifteen troops of the enemie's; and did, with their pistols and carabines, at the first charge, doe great execution; but the enemy, when they begun to close, having long rapiers and swords, a foot and halfe longer than ordinary, did therewith much annoy the parliament soldiers, except that great spirited little sir Samuel Luke, who so guarded himselfe with his short sword, that he escaped without hurt — though thrice taken prisoner, yet rescued, and those to whom he was prisoner slaine. The third time he was taken prisoner, one of his own men, seeing two lead away his master a-foot, with his carabine he killed one of them, and run the other through with his sword, and mounted sir Samuel upon one of their horses, and brought him cleare off; for which his noble master gave him 100*l.*, as he well deserved it. Colonel Hampden and serjeant-major Gunter were hurt at the first charge, colonel Urrey, that renegado, crying, 'That's Hampden,' 'That's Gunter,' 'That's Luke,' which made the enemy so fierce upon our commanders. This false-hearted Urrey, that hath so long served the parliament under pretence of affection, and hath been privy so much to the counsells of the army, communicating from time to time to the cavaliers at Oxford the designes of the earl of Essex, about three or four days after he run away to Oxford, knowing the quarters of the parliament's army, commanded a party of the cavaliers, and so betrayed the parliament's forces in the said skirmish."

The royalists soon received the welcome news of this dreadful day. "One of the prisoners," says lord Clarendon, "who had been taken in the action, said 'that he was confident Mr. Hampden was hurt, for he saw him ride off the field before the action was done, which he never used to do, and with his head hanging down, and resting his hands upon the neck of his horse;' by which he concluded he was hurt." It is a tradition, lord Nugent adds, in an affecting passage of his Memorials, "that he was seen first moving in the direction of his father-in-law's (Simeon's)

house at Pyrton. There he had in youth married the first wife of his love, and thither he would have gone to die. But Rupert's cavalry were covering the plain between. Turning his horse, therefore, he rode back across the grounds of Hazeley in his way to Thame. At the brook, which divides the parishes, he paused awhile; but it being impossible for him, in his wounded state, to remount, if he had alighted to turn his horse over, he suddenly summoned his strength, clapped spurs, and cleared the leap. In great pain, and almost fainting, he reached Thame, and was conducted to the house of one Ezekiel Browne, where, his wounds being dressed, the surgeons would, for a while, have given him hopes of life. But he felt that his hurt was mortal; and, indulging no weak expectations of recovery, he occupied the few days that remained to him in dispatching letters of counsel to the parliament, in prosecution of his favourite plan. While the irresolute and lazy spirit which had directed the army in the field should continue to preside in the council of war, Hampden had reason to despair of the great forward movement to which he had throughout looked for the success of the cause. And now the reinforcements which were pouring into Oxford from the north, and the weakened condition of the parliament, made the issue of this more doubtful. His last urgent advice was to concentrate the position of the army covering the London road, and provide well for the threatened safety of the metropolis, — and thus to rouse the troops from the mortifying remembrance of their late disasters to vigorous preparations, which yet might lead, by a happier fortune, in turn to a successful attack."

But after nearly six days of cruel suffering, his bodily powers no longer sufficed to pursue or conclude the business of his earthly work. About seven hours before his death he received the sacrament of the Lord's Supper, declaring, that "though he could not away with the governance of the church by bishops, and did utterly abominate the scandalous lives of some clergymen, he

thought its doctrine in the greater part primitive and conformable to God's word, as in Holy Scripture revealed." He was attended by Dr. Giles, the rector of Chinner, with whom he had lived in habits of close friendship, and Dr. Spurstow, an independent minister, the chaplain of his regiment. At length, being well nigh spent, and labouring for breath, he turned himself to die in prayer. "O Lord God of hosts," said he, "great is thy mercy, just and holy are thy dealings unto us sinful men. Save me, O Lord, if it be thy good will, from the jaws of death. Pardon my manifold transgressions. O Lord, save my bleeding country. Have these realms in thy special keeping. Confound and level in the dust those who would rob the people of their liberty and lawful prerogative. Let the king see his error, and turn the hearts of his wicked counsellours from the malice and wickedness of their designs. Lord Jesu, receive my soul!" He then mournfully uttered, "O Lord, save my country. O Lord, be merciful to . . . . ." and here his speech failed him. He fell back in the bed, and expired.[1]

He was buried among the hills and woods of the Chilterns. Many troops in the neighbourhood followed the beloved body to its grave, in the parish church adjoining his mansion. With arms reversed, drums and ensigns muffled, and heads uncovered, they marched with what remained of the illustrious patriot to his last resting place, singing the 90th Psalm as they went, and the 43d as they returned.

The "Weekly Intelligencer" published an interesting article the week after his death, which is here subjoined: — "The losse of colonell Hampden goeth near the heart of every man that loves the good of his king and country, *and makes some conceive little content to be at the army now that he is gone.* It offers me an opportunity to present you with some more weekly intelligence, which I intend to continue. The memory of this deceased colonel is such that in no age to come

[1] Clough's Narration.

but it will more and more be had in honour and esteeme:—a man so religious, and of that prudence, judgment, temper, valour, and integrity, that he hath left few his like behind him. His bitterest enemies could never fasten any action of disrepute upon him, but one (as they called it), which I conceive was for his eternall honour,—that he was *too zealous a Christian* (as by their pamphlets at Oxford appeares), which, if it be a sinne, then of all sinnes in this world the cavaliers are least guilty of it. What man of this kingdome deserved more of the commonwealth (when it was almost treason to say, I will stand for my liberty), than this gent. did, when he (alone) stood for the subject's liberty and property, choosing, rather than to pay 40*s*. to the prejudice of the subject, to spend 1000*l*. in the lawful defence thereof, viz., in the great intollerable tax of ship-money (in the times of peace, when there was no need of it, but that the designes of the times were to break the ice to drive us under an arbitrary government); and I appeale to the consciences of the malignants, if they did not honor him then above all the subjects in the kingdome? Master Hoborne (though now through other respects of another minde) was then one of his chiefe champions to plead his and the kingdome's case; for his temper and prudence in the carriage of that business he was admired of all men, and God (contrary to the designes of man, and the countenance of great lords and courtiers now at Oxford, then present to awe the judges at the time of the argument of that case,) produced good effects to the kingdome, and damned ship-money in the opinion of the people, whatever the opinion of some of the judges were. How hath this gentleman carried himselfe since this parliament begun? Constant to defend our religion and libertie, for which cause alone (for no other cause yet appeares to the world) he with four others was accused of high treason by master Herbert, first the queen's attorney, then the king's, who, being afterwards questioned for it in the presence of

both houses of parliament, did publicly declare that though he accused them of high treason, whereby their lives lay at stake, their estates might become forfeit, and their posterity branded with infamy, yet he had no more cause, proofe, or reason to accuse master Hampden, or any of the other foure members, than to accuse the child unborne; onely his master commanded him to do it, and the king offered to pass a bill to cleare him and them, though since refused; and by his last proclamation of the 16th of June instant to dissolve this parliament, passes by *one of the five members* in the particular exception, notwithstanding the said accusations. I will add onely a word more concerning him (though too much of his worth cannot be said), that his whole endeavours since the parliament begun was for the publick, not regarding his private in any kind. He wisely foresaw the designes of the counsell about the king to introduce a tyrannical government, and thereby to set up popery; and was sensible of the correspondency of counsels in the distractions of the three kingdomes (as both houses have voted); and that, all former plots and designes against Scotland and this present parliament failing, the said counsells resolved on the bloody rebellion in Ireland, and the destroying this parliament by the sword, as their last refuge to bring to pass their designes; which encouraged him timely to contribute his advice to the kingdom to be in a posture to defend themselves; and least it should be thought to oppose the king, or to injure him, these words have I seene in writing, which upon an occasion he used in parliament, viz., 'Perish may that man and his posterity, that will not deny himself in the greatest part of his fortune (rather than the king shall want) to make him both potent and beloved at home, and terrible to his enemies abroad, if he will be pleased to leave those evill counsells about him, and take the wholesome advice of his great counsell the parliament!' And with this dutifull and loyall heart to his prince, and endeavour to bring him to his parliament for his countrie's

good, he sacrificed his life; and said, before he died, that if he had twenty lives all should go this way, rather than the gospel of our salvation (now so much fought against) should be trampled under foot."

And in an article of the "Weekly Accompt," written on the same sad occasion, some circumstances are added to our previous knowledge of the patriot:—"Speaking of the affaires of Buckinghamshire, it puts me in remembrance of master Hampden, that noble patriot of his country, whose losse is infinitely lamented in all places; for it is well knowne to the whole kingdom how much he suffered for the good of his country, and that he endured for a long time together (about sixteen yeares since) close imprisonment in the Gate House about the loane money, which indangered his life, and was a very great meanes so to impaire his health, that he never after did looke like the same man he was before. And did he not spend a great sum of money out of his own estate in defence of the kingdome's right in that great case of ship-money? And, to be briefe, as he was indued with more than ordinary parts of wisdom, knowledge, and understanding, so was he as careful to improve and make a right use of them; so that (like Zachary and Elizabeth) he walked unblameable in all his conversation. That very day which he received that fatal wound he was just fifty years of age. During the time that he lived after, which was just a weeke, he showed a wonderful measure of patience and meeknesse, being full of divine sentences, speaking as if he felt no pain; saying it was nothing but what he dayly expected, and that he had long prepared against that time; and continued of perfect memory, cheerful spirit, constant in the cause, and encouraging others unto the last; and departed without feeling any pain at all, going out of a sweet slumber into a quiet sleepe. He was carried from Thame to Hampden, and interred in his father's tomb."

These extracts from the now scarce and valuable

records of the time, may be closed with some lines from an "elegie," not utterly unworthy of the theme, written by a friend and "fellow-soldier" of Hampden. They embody a picture of the great soldier himself in the excitement of battle.

"Though my malicious fate debarred my will
From waiting on your valour, when the shrill
And hasty trumpet bade your honour goe
With disadvantage 'gainst the subtle foe;—
When treachery and odds, crowned with successe,
Did triumph over our unhappinesse;—
Yet give me leave, Renowned Dust, to send
My grateful muse in mourning to attend,
And strew some cypresse on your martial hearse.
* * * *
Was he not pious, valiant, wise and just,
Loyall and temperate? Every thing that must
Make up a perfect harmony? Yee know
His constant actions have declared him so.
* * * *
So was he truly valiant. *I have seene*
Him i' th' front of 's regiment in greene,
When death about him, did in ambush lye,
And whizzing shot like showres of arrowes flye,
Waving his conq'ring steele, as if that he
From Mars had got the sole monopolie
Of never-failing courage: and so cheare
His fighting men!
* * * *
Farewell, beloved in parliament and field,
Farewell, thy soldier's faithful broken shield!"

And now, to complete the information which has been collected in these pages concerning one of the greatest men of the English history, the character which Clarendon has drawn of him in unfading colours may, without hesitation, be added. No one who has glanced through this work can be at a loss to separate the just from the unjust.

"He was a gentleman of a good family in Buckinghamshire, born to a fair fortune, and of a most civil and affable deportment. In his entrance into the world, he indulged to himself all the license in sports, and exercise, and company, which was used by men of the most jolly conversation. Afterwards, he retired to a more reserved and melancholy society, yet preserving his own natural cheerfulness and vivacity, and, above all, a flowing courtesy to all men; though they who

conversed nearly with him, found him growing into a dislike of the ecclesiastical government of the church, yet most believed it rather a dislike of some churchmen and of some introducements of theirs, which he apprehended might disquiet the public peace. He was rather of reputation in his own country, than of public discourse or fame in the kingdom, before the business of ship-money; but then he grew the argument of all tongues, every man inquiring who and what he was, that durst, at his own charge, support the liberty and property of the kingdom, and rescue his country, as he thought, from being made a prey to the court. His carriage throughout this agitation was with that rare temper and modesty, that they who watched him most narrowly to find some advantage against his person, to make him less resolute in his cause, were compelled to give him a just testimony; and the judgment that was given against him infinitely more advanced him than the service for which it was given. When this parliament begun, (being returned knight of the shire for the county where he lived,) the eyes of all men were fixed on him as their *patriæ pater*, and the pilot that must steer the vessel through the tempests and rocks which threatened it. And I am persuaded his power and interest, at that time, were greater to do good or hurt than any man's in the kingdom, or than any man in his rank hath had in any time; for his reputation of honesty was universal, and his affections seemed so publicly guided, that no corrupt or private ends could bias them.

"He was of that rare affability and temper in debate, and of that seeming humility and submission of judgment, as if he brought no opinion of his own with him, but a desire of information and instruction; yet he had so subtle a way of interrogating, and, under the notion of doubts, insinuating his objections, that he left his opinions with those from whom he pretended to learn and receive them. And, even with them who were able to preserve themselves from his infusions, and discerned those opi-

nions to be fixed in him with which they could not comply, he always left the character of an ingenuous and conscientious person. He was, indeed, a very wise man, and of great parts, and possessed with the most absolute spirit of popularity — that is, the most absolute faculties to govern the people—of any man I ever knew. For the first year of the parliament, he seemed rather to moderate and soften the violent and distempered humours, than to inflame them; but wise and dispassioned men plainly discerned that that moderation proceeded from prudence, and observation that the season was not ripe, rather than that he approved of the moderation; and that he begat many opinions and notions, the education whereof he committed to other men, so far disguising his own designs that he seemed seldom to wish more than was concluded; and, in many gross conclusions, which would hereafter contribute to designs not yet set on foot, when he found them sufficiently backed by majority of voices, he would withdraw himself before the question, that he might seem not to consent to so much visible unreasonableness; which produced as great a doubt in some, as it did approbation in others, of his integrity. What combination soever had been originally with the Scots for the invasion of England, and what further was entered into afterwards in favour of them, and to advance any alteration of the government in parliament, no man doubts was at least with the privity of this gentleman.

"After he was among those members accused by the king of high treason, he was much altered; his nature and carriage seeming much fiercer than it did before. And without question, when he first drew his sword, he threw away the scabbard; for he passionately opposed the overture made by the king for a treaty from Nottingham, and as eminently any expedients that might have produced any accommodations in this that was at Oxford; and was principally relied on, to prevent any infusions which might be made into the earl of Essex

towards peace, or to render them ineffectual, if they were made; and was indeed much more relied on by that party than the general himself. In the first entrance into the troubles, he undertook the command of a regiment of foot, and performed the duty of a colonel, on all occasions, most punctually. He was very temperate in diet, and a supreme governor over all his passions and affections, and had thereby a great power over other men's. He was of an industry and vigilance not to be tired out or wearied by the most laborious, and of parts not to be imposed upon by the most subtle or sharp, and of a personal courage equal to his best parts; so that he was an enemy not to be wished, wherever he might have been made a friend; and as much to be apprehended where he was so as any man could deserve to be; and therefore his death was no less congratulated in the one party than it was condoled in the other. In a word, what was said of Cinna might well be applied to him; 'he had a head to contrive, and a tongue to persuade, and a hand to execute, any mischief.' His death, therefore, seemed to be a great deliverance to the nation."

In other words, the death of the noble and fearless Hampden, while it plunged every honest English heart into the depths of sorrow, revived in the tyrant Charles and his slavish ministers their hope of being able to trample into the dust, once more, the laws and liberties of England.

APPENDIX.

A.

A Discovery of the great Plot for the utter Ruine of the City of London and the Parliament; as it was at large made known by John Pym, Esq., on Thursday, being the 8th of June, 1643, at a Common Hall: and afterwards corrected by his own Hand for the Press.

JOHN PYM, ESQ. HIS SPEECH.

MY LORD MAYOR, and you worthy citizens of this famous and magnificent city, — We are sent hither to you from the house of commons, to make known to you the discovery of a great and a mischievous design, tending not only to the ruine and destruction of the city and of the kingdom, but which, in those ruines, would likewise have buried religion and liberty. I might call it a strange design, though in these late times designs of this kinde have beene very frequent, because it exceeds others in divers considerable circumstances of it — in the malice of the intention, in the subtlety of contrivance, in extent of mischiefe, and neernesse of execution; all which arose from the wickednesse of the authors. Two others may be added, that is, the cleernesse of the discovery and proofe, and the greatnesse of the deliverance proceeding from the great mercies of God.

I shall, in the opening of this design, take this course for my own memory and your's.

Observe, first, what was in their ayms. Secondly, the variety of preparations. Thirdly, the degrees of proceeding. Fourthly, the maturity and readinesse for execution.

The parliament, the city, and the army seem to be the three vitall parts of this kingdom; wherein not only the well-being, but the very life and being of it, doth consist: this mischief would have seized upon all these at once.

The city should have been put into such a combustion, as to have your swords imbrued in one another's bloud: — The parliament should have been corrupted, and betrayed by their own members: — The army destroyed, if not by force, yet for want of supply and maintenance, that so they might have had an open and a cleerer way to the rest, which they had in proposition, especially to that main and supreame end, the extirpation of religion.

I shall tell you, first, out of what principles this did rise. It was from the ashes of another design that failed — that mutinous petition which was contrived in this city. The actors of that petition being therein disappointed, they fell presently into consultation how they might compasse their former end in another way, that is, under pretence of securing themselves by force against the ordinances of parliament. Thus, under pretence of procuring peace, they would have made themselves masters of the city, yea of the whole kingdom, and they would have ruined and destroyed all those that should have interrupted them in their mischievous intentions.

The first step in their preparation was to appoint a committee that might often meet together, and consult how they might compasse this wicked end. Their next was, that they might enable that committee with intelligence both from the armies, as well those on the king's side (*as they call themselves, tho' wee bee of the king's side indeed*) as those that are raised by the parliament; especially they were careful to understand the proceedings of parliament, that so by the advantage of this intelligence they might the better effect that which they had in project, and find the readiest and the nearest ways to it. After they had thus provided for intelligence, how they might procure power and countenance to this action by some appearing authority of his majesty was next considered; for which purpose, they projected to get a commission from the king, whereby many of themselves, and of those that were of their own consort, should be established a counsell of war in

London and parts adjacent, with power to raise forces, make provisions of ammunition, and of other kinde of arms, and to give authority for the leading and conducting of those forces, and to raise money or the maintenance of them, and, as it is express'd in the commission, for the destruction of the army, under the command of Robert E. of Essex, raised by authority from the two houses of parliament.

Having layd these grounds, I shall in the next place discover to you those that should have been actors and agents in this business, their severall qualifications and relations.

The first sort was some members of the city, whereof there were divers (you shall hear the names out of the proof); and the next was (in their pretence, as they gave out) members of the two houses of parliament; and the third sort was two gentlemen, master Waller, and a brother-in-law of his, master Tomkins, that were to be agents betwixt the parliament and the city, as they pretended; then a fourth sort was those that were to be messengers to convey intelligence from this place to the court at Oxford, and to other places where there should be occasion; and the fifth and last consisted but in one man, that we yet discover, and that was the lord of Falkland, that kept correspondency with them from the court. These were to be the actors in this mischievous design.

They began then to think upon some other courses of very great advantage to themselves.

The first was of combination, how they might be more closely conjoyned one to another, and how they might be more secure from all others that were not of the same party. And for this purpose, there was devis'd a protestation of secresy, whereby, as they were Christians, they did bind themselves to keep one another's counsell, not to reveal that which they had knowledge of, or which they were trusted with. And the second was a warinesse in discovering the businesse to any of those who were to be brought into the plot, though they came in amongst them to be of them. They would not trust all of their own body, but they took this wary and subtile course, that no man should acquainte above two in this businesse; that so, if it came to examination, it should never go further than three, by the same party that discovered it; and then those two had the

like power, that any one of them might discover it to two others, that so still it might be confined within the number of three; — then there was a speciall obligation (as was pretended by Mr. Waller), which he had made to those that he said were members of both houses of parliament, and consenting to this plot; *but that is yet but a pretence — no names or parties are known.*

After they had provided thus for their combination, and for their security, then, in the next place, they thought of some means of augmentation; how they might encrease their numbers, and draw in others to come to be of their party; and for this they did resolve to use all the art and subtilty to irritate men's minds against the parliament. They found out those that thought themselves most heavily burdened with the taxes; they did cherish all that had any discontents about the assessement, advising them to repaire to the committee for ease, which they knew would be difficult to obtain, and that they, being disappointed, would be more enraged, and the apter to joyn them in this plot.

From this care of augmentation, they went in the next place, to find out some means of discovery, that they might know how far their party did extend, who were of their side, and who were against them; and for this purpose they did devise, that there should be a survey of all the wards, nay of all the parishes within the city of London, the suburbs and places adjoining in every parish, to observe those that were for them, whom they called right men, and others that were against them, whom they called averse men; and then a third sort, whom they called neutralls and indifferent men; and they appointed severall persons that were trusted with this survey and enquiry, to find out these severall degrees and sorts in every parish.

Thus far this design seems to be but a work of the brain, — to consist only in invention and subtilty of design; but the other steps and degrees which I shall now observe to you, will make it to be a work of the hand, to bring it somewhat nearer to execution.

The first step that came into action and execution was, that they procur'd this commission which they had before designed,

and endeavour'd to obtain. Now they had obtained a commission, (as I told you before) to establish certain men, seventeen in number; their names are there expressed, and you shall heare them read to you. They were to be a counsell of war here within the city. These seventeen men had power to name others to themselves to the number of twenty-one, and both were to be enabled to appoint, not only colonells and captains, and other inferiour officers of an army, but to appoint and nominate a generall; they had power to raise men, to raise arms, ammunition, and to do all those other things that I told you before; and to lay taxes and impositions to raise money; and to execute martiall law.

When they had gone thus far, in the next place they did obtain a warrant from the king, and this was to Mr. Challoner, that he might receive money and plate of all those that, either by voluntary contribution or loan, would furnish the king (*as they called it*) in this necessity of his; and thereby the king was obliged to the repayment of it. This was obtained.

By this cometh in the list, and what was before part of the design, cometh now into act. The citizens that were trusted with framing of this list, brought it in, except in some few parishes, under those heads of discovery that I formerly told you of: — that is, in every parish, who were right, and who were indifferent and neutrall, and who were averse; and those were brought to Mr. Waller's house; and after they had delivered that list, the citizens then declared themselves that now they had done *their* part; they had discovered to them a foundation of strength, they did expect from *them* a foundation of countenance and authority, namely, from both houses of parliament; and they did declare that they would proceed no further, till they knew the names of those members of both houses that should joyn with them, and should undertake to countenance this busines. M. Waller made this answer: That he did assure them that they should have members of both houses, both lords and commons, to joyn with them; that he himselfe was but their mouth; that he spoke not his own words but their words; that he was but their agent and did their worke; that they should have of the ablest, of the best, and of the greatest lords, and the greatest number, nay, that they

should pick and chuse; that they could not wish for a lord, whom he doubted not but to procure them: this was the vanity of his boasting to them to draw them on, and to encourage them in this plot. This being done now, and propounded by the citizens on their part, so Mr. Waller propounded from the lords divers quæries, questions which had been framed (as he sayd) by the lords and commons, and in their name he did present them, that were for the removall of difficulties, of some obstructions that might hinder this worke. Those quæries were delivered upon Friday was se'ennight to some of the citizens, and upon the Saturday morning (that was Saturday se'ennight), they were returned back again with answers.

I shall now relate to you, both the quæries, and the answers that were returned by those of the city.

The first quærie was, What number of men there were armed? The answer was, That there were a third part well armed, and a third part with halberts, and another third part with what they could get, with that that came to hand.

The second quærie was, In what places the magazines were laid? The answer to that was, At alderman Fowk's house, at Leaden Hall, and at Guild Hall.

The third quærie was, Where the rendezvouz should be? The answer was, At all the gates, at the places of the magazines, in Cheapside, in the Exchange, and at what other places the lords should think fit.

The fourth quærie was, Where the place of retreat, if there should be occasion? The answer was, That they had Banstead downs, they had Blackheath in proposition, but they did refer the conclusion of the place to the lords.

The fifth was, What colours there should be? To this it was answered, That at every rendezvouz there should be colours.

A sixth consideration was, By what marks and tokens they should be distinguished from others, and know their friends from their enemies? To that it was answered, That they should have white ribands or white tape.

Then, in the seventh place, it was asked, What strength there was within the walls, and what strength without the

walls? To that it was answered, That within the walls, there was for one with them, three against them; but without the walls, for one against them, there was five for them.

The eighth was, What was to be done with the Tower? The answer was, That they could conclude nothing in that point.

The ninth was, Where the chiefe commanders dwelt? To that they made this answer: That every parish could tell what new commanders and captaines they had, and who of the militia dwelt in it.

The tenth and the last was, What time this should be put in execution? To that the answer was, That the time was wholly left to the lords.

After these quæres thus propounded and answered, Master Waller told them that he would acquaint the lords with those answers that he had received from them to their quæres, and wished them not to be troubled, though the lords did not yet declare themselves, for they could do them as good service in the house.

Being proceeded thus far, they came then to some propositions which should be put in execution, and they were these:

First, that they would take into their custodie the king's children that were here. The second was, that they would lay hold of all those persons that they thought should be able to stand in their way, or to give them any impediment, or at least of some considerable number of them. It is unlike that all were named; but some were named. Of the lords' house there was named, my lord Say, and my lord Wharton, and besides, my lord major, whom they took into their consideration, as the head of the city. There was named of the house of commons, sir Philip Stapleton, master Hampden, master Strode, *and they did me the honour and the favour to name me too.*

When they had taken into consideration the surprizall of these members of both houses, they did further take into their further resolution, that with my lord major should have been seized all your committee of militia; they would not spare one of them. They intended further, that they would release all prisoners that had bin committed by the parliament, that they

would seize upon the magazines, and that they would make a declaration to satisfie the people.

There are no designes, be they never so ill, but they do put on a mask of some good; for betwixt that that is absolutely and apparently ill, there is no congruity with the will of man; and therefore the worst of evils are undertaken under a shadow and a shew of goodnesse. Thus declarations must be set out, to make the people beleeve that they stood up for *the preservation of religion; for the preservation of the king's prerogative, of the liberties of the subject, of the priviledges of parliament*, and of these one thousand were to be printed; they were to be set upon posts and gates in the most considerable and open places; and they were to be dispersed as much as they could thorow the city against the time it should be put in execution. This was done upon Saturday last was se'ennight, in the morning.

Then, in the next place, they thought fit to give intelligence to the court of what proceedings they had made here, and thereupon master Hazel he was sent to Oxford that very Saturday in the afternoon from master Waller's house. There were two messages sent by him, for this main designe they would not trust in writing: the first message was from master Waller; it was that he should tell my lord of Falkland that he would give him a more full notice of the great businesse very speedily; the other message from master Tomkins, and that was,—that the designe was now come to good maturity; that they had so strong a party in the city, that though it were discovered, yet they would be able to put it in execution. They promised also to give notice to the king of the very day, and, if it were possible, of the very hour, wherein this should be put in execution; and then they did desire, that when they had seized upon the out-works, that there might some party of the king's army come up within fifteen miles of the city, who upon knowledge of their proceedings must be admitted into the city. These were the foure points upon which the message did consist, which was sent from master Tomkins to my lord of Falkland, by master Hazel. To both these messages my lord of Falkland returned an answer by word of mouth. They kept themselves so closely that they durst not venture to write; but he bid the messenger to tell master Waller, master

Tomkins, and master Hampden (*a gentleman that was sent up with a message from the king, and remained here in town to agitate this business, and made that use of his being here in town*), that hee could not well write, but did excuse himselfe, but prayed them that they would use all possible haste in the main businesse.

Master Waller, having plotted it, and brought it on thus far, now began to thinke of putting it further; and the Tuesday following this Saturday, which was Tuesday was se'ennight in the evening, after he came home to his lodgings master Tomkins and he being together, he told master Tomkins, that the very next morning, that was Wednesday, the fast day, he should goe to my lord of Holland, and acquaint him with this plot, discover so much to him as he thought fit, that he himselfe would goe to some other lords, and doe the like. This was the Tuesday night, in which conference they had put on that confidence in expectation of successe in this plot, that master Waller broke out with a great oath, to affirm, — That if they did carry this throughout, then we will have any thing. This he spake to master Tomkins with a very great deal of earnestnesse and assurance. So far they went on in hope and expectation; but here they were cut short. That very night there were warrants issued (upon some discoveries that were made of this plot) to the lord major and to the sheriffs here, which they did execute with so much diligence and care of the good of the city, that the next morning, when master Tomkins and master Waller should have gone about their businesse, they were apprehended, and the rest of the citizens, divers of them; but some escaped.

Thus farre I have discovered to you the materials and the lineaments of this mischievous designe; you shall now be pleased to hear the proofs and the confessions out of which this narration doth arise, and that will make all this good to you that I have said; and after those are read, I shall then tell you what hath been done since in the house of commons, somewhat in the house of lords, and what else is in proposition to be offered to you from the house of commons; but I shall desire you first that you may bee fully convinced of the great goodnesse of God, in discovery of this plot, and the truth of

these things that I have spoken to you, that you will hear the evidence of the proofs, and then we shall go on to those other things which we have in charge.

The proofs having been read, Mr. Pym proceeded thus: —

Gentlemen, we have held you long; you are now almost come to the end of your trouble. I am to deliver to you some short observations upon the whole matter, and then to acquaint you with the resolutions thereupon, taken in the house of commons; and to conclude with a few desires from them to you.

The observations are these: First, I am to observe to you, the contrariety betwixt the pretences with which this designe hath beene mark'd, and the truth. One of the pretences was peace; the truth was blood and violence. Another of the pretences was, the preserving of propriety; the truth was, the introducing of tyranny and slavery, which leaves no man master of any thing he hath.

A second observation is this: The unnaturall way by which they meant to compasse this wicked designe: that was *to destroy the parliament, by the members of parliament; and then, by the carcasse and shadow of a parliament, to destroy the kingdome. What is a parliament but a carcasse when the freedome of it is suppressed? — when those shall be taken away by violence, that can or will oppose, and stand in the way of their intentions? The high court of parliament is the most certaine and constant guardian of liberty; but if it be deprived of its owne liberty, it is left without life or power to keep the liberty of others.* If they should bring a parliament to be subject to the king's pleasure, to be correspondent (as they call it) to his will, in the middest of such evil counsells, which now are predominant, there would little or no cure be left; but all things that are most mischievous would then seem to be done by law and authority.

The third observation is this: With what an evill conscience these men undertooke this worke. They that pretended to take armes to defend their own propriety, obtained a commission to violate the propriety of others; they would take the assertion of the laws of the land, but assumed to them such a power as was most contrary to that law — to seize upon their

persons without due processe, to impose upon their estates without consent, to take away some lives by the law martiall; and besides all this, without any commission they intended to alter the government of the city, which is now governed by your own councel, and by a magistrate chosen by yourselves; — then to be governed by violence.

The fourth observation is this: That the mischievous effect of this designe would not have ceased in the first night's worke. All the godly part in the kingdome, all faithfull ministers especially, would have beene left not onely to the scorn and reproach, but to the hatred, malice, and cruelty of the papists and malignants.

The fifth and last observation I shall make to you, is this: That this matter was prosecuted in part, and agitated and promoted by those that were sent from the king, and seemed to be messengers of peace; and while we should be amazed with pretences of gracious messages, to propose peace, this villainous project, which should have set you all in blood, was promoted by those messengers, and should have been put in execution very shortly after. This is all I shall trouble you with by way of observation.

The matters resolved on in the house of commons are these things: First, that there be publique thanksgiving to God, both in the city, and throughout the kingdom, for this great deliverance; that a neere day be appointed for the city, the parliament, and the parts adjacent, and a convenient day fôr other parts of the kingdom. The next thing resolved on was, that the house of peeres, they should be made acquainted with these proofes, and with all this discovery, which hath been done accordingly. It was likewise resolved, that there should be a covenant made, whereby we should both testifie our detestation of this mischievous plot, and joyne ourselves more closely in the maintenance of the common interest of the church and common-wealth, in religion and liberty, which are still in great danger, and would have been utterly subverted, if this project had taken effect. It was resolved, in the fourth place, which is now partly executed, that this should be communicated to you of the city, that so, as you have a great part in the blessing, you may doe your part in the duty of thankfulnesse, together with

us. It is further resolved, that it shall be communicated to the army, that they likewise take notice of this great mercy of God, and joyne with us, both in the thanksgiving, and in the protestation and covenant, as we shall likewise desire you of the city to doe.

Then we are commanded to give thankes to my lord major, to the sheriffes, and to the rest of the officers of the city, for their great care in the apprehending of these persons, in guarding the peace and the quiet of the city.

We are likewise to give thanks to those gentlemen that have had the custody of these risoners. We know it cannot but b a trouble to them; there was no meanes to keep them safe from messages one to another, and from speeches, but by such a way of putting them in honest men's hands. The house of commons have commanded us, to give them speciall thanks that they would undertake this care, and to assure them that they will see them fully recompensed for all the trouble and charge they shall undergoe by it.

And we are to give you thanks, which are the citizens of this city, for your good affections to the publique cause, and for your continuall bounty for the support of it.

Thus farre we are enjoyned by the resolution of the house. Now, we are further to intreate you, to heare both the covenants: you shall thereby knowe to what wee have bound ourselves, and to what we desire you should be bound. There are two covenants, that is, one proper for the houses of parliament, which hath been taken in the house of commons, by all the r mbers, by those gentlemen that are named in those examinations to have been privy to this plot, which they all have disavowed; and the other covenant is to be taken by all the other part of the kingdome, by the citizens, by the army, and the rest of the people generally in all places.

The draught of these two covenants we shall communicate to you; the house of lords, they have had them already, and have taken them into consideration; and we hear, they doe resolve that which is appointed for them shall be taken by the members of that house.

We are further to desire you, that you would be serviceable to the divine providence, to God's great mercy to this city, and

the whole kingdome. God doth not only doe good, but thereby gives assurance that he will do good. His mercies, they are comforts for the present, they are pledges for the future; but yet our care must not cease.

We are to desire that you would keepe your guards, and look well to your city, and that you would find out these evill members that are among you, as neere as may be, that so for the time to come this plot may be prevented, as hitherto hath been stopped; for out of doubt all the malignity is not drawn out of them, though the present opportunity is hindered for the present of putting it in executic".

I am to tell you further, that ... desire to win those that shall be taken with remorse for this wicked designe and conspiracy: It is resolv ' that if any man shall come 'n before the 15th day of this present June, and freely confesse his fault, and what he knowes of this conspiracy, that he shall have a full and free and plenary pardon for the time to come, except those that are already or fled. I say, those that come in voluntarily shall be pardoned.

Your care, and our care, they will be all little enough; wee hope God's blessing will be so upon them both, that you shall be restored to a full peace, ar' that in the mean time you shall enjoy such a degree of safety and prosperity, as may make way to it.

B.

Some Extracts from The Sense of the House; *or the Opinion of some Lords and C'mmons, concerning the Londoners' Petition for Peace. Oxford, printed by the University Printer, Leonard Lichfield.*

"Give ear, beloved landowners,
Fie! fie! you shame us all!
Your rising up for peace, will make
The Close Committee fall.
Wonder, you should ask for that
Which they must needs deny.
Here's thirty swears they 'll have no peace,
And bid me tell you why."

A number of lords are then represented, giving reasons against peace. Thus —

"'First, I 'll noe peace,' says Essex,
'For my chaplin says 'tis sinn,
To loose a 100£. a day,
Just when my wife lies inn,
They cry, God bless your Excellence;
But if I loose my place
They 'll call me rebel, popular asse,
And cuckold to my face.'"
&c. &c. &c.

Their lordships disposed of, the leading members of the lower house follow with similar reasons: —

"'My venum swels,' quoth Hollis,
'And that his majesty knowes,'
'And I,' quoth Hampden, 'fetch the Scots,
Whence all this mischiefe grows.'
'I am an asse,' quoth Hazelrigge,
But yet I 'me deepe i'th' plot;
'And I,' quoth Stroud, 'can lye as fast
As master Pym can trott.
'But I,' quoth Pym, 'your hackney am,
And all your drudgery doe,
Have made good speeches for myselfe,
And privileges for you:
I sit, and can looke down on men,
Whilst others bleede and fight;
I eate their lordships' meate by day,
And give it their wives by might.'
* * *
'Zounds,' said Henry Martin,
'Wee 'l have no accommodation;
D' ye not know 't was I that tore
His majesty's proclamation?
In the house I spake high treason,
I've sold both land and lease,
Nay, I shall then have but three * * *,
A pox upon this peace.'"
* * * *

"'Who talks of peace,' quoth Ludlow,
'Hath neither sense nor reason,
For I ne'er spake i' th' house but once,
And then I spoke high treason;
Your meaning was as bad as mine,—
You must defend my speech,
Or else you'll make my mouth as fam'd
As was my father's * * *.'"

"You see, (beloved landowners),
Your peace is out of season;
For which you have the sense of th' house,
And every member's reason,
Oh do not stand for peace then,
For, trust me, if you do
Each country of the kingdom will
Rise up, and do so too."

C.

Certain Select Observations on the several Offices and Officers in the Militia of England, with the Power of the Parliament to raise the same as they shall judge expedient, &c. Collected and found among the Papers of the late Mr. John Pymm, a Member of the House of Commons. Writ in the Year 1641. *MS.*

When kings were first ordained in this realm, the kingdom was divided into forty portions, and every one of those portions or counties was committed to some earl, to govern and defend it against the enemies of the realm. Mirror of Justice, p. 8.

Those earls, after they received their government in each county, divided them into centurians or hundreds; and in every hundred was appointed a centurian or constable, who had his portion and limits assigned him to keep

and defend with the power of the hundred, and were to be ready, upon all alarms, with their arms, against the common enemy. These, in some places, are called wapentakes, which, in French, doth signify taking of arms. Mirror, p. 10. 12 Henry 8. folio 16, 17.

King Alfred first ordained two parliaments to be kept every year, for the government of the people, where they were to receive laws and justice. Mirror, p. 10, 11.

The peers, in parliament, were to judge of all wrongs done by the king to any of his subjects. Mirror, p. 9.

The ancient manner of choosing and appointing of officers, was by those over whom their jurisdiction extended.

INSTANCES.

1. Tythingman: This man was, and at this day is, chosen by the men of his own tything, and by them presented to the leet, to be sworn for the true execution of his office.

2. Constable: This officer is chosen by the inhabitants, who are to be governed by him, and those of the place where his jurisdiction lieth, and presented unto the leet to be sworn.

3. Coroner: This officer hath jurisdiction within the whole county, and therefore was chosen by the freeholders of the county in the county-court. Cook's Magna Charta, p 174, 175. 559.

4. Such as had charge to punish such as were violaters of Magna Charta: These were chosen in the county court, as appeareth by stat. 28 Ed. 1. c. 1. 17.

5. Sheriffs: were, in time past, and by the common law, to be chosen likewise in the county court. Lamb. Saxon Laws, fo. 136. stat. 28 Ed. 1. c. 8. 13. Cook's Magna Charta, 175. 559. Mirror, p. 8.

6. Lieutenants of counties (anciently known by the name of *Herctoch*) were chosen in the county court (which Cook, upon Magna Charta, p. 69., calls the Folkmote). Lamb. Saxon Laws, folio, 136. Mirror, p. 8. 11, 12.

7. Majors and bailiffs, in boroughs and towns corporate, are chosen by the commonalty of the same corporation within their jurisdiction.

8. Conservators of the peace were anciently chosen by the freeholders in the county court. Cook's Magna Charta, 558., &c.

9. Knights for the parliament are to be chosen in the county court, stat. 7 H. 4. cap. 15. 1 H. 5. cap. 1. 8 H. 6. cap. 7. 10 H. 6. cap. 2.

10. Verderers of the forest are chosen within their jurisdiction, by the inhabitants. Cook's Magna Charta, 559.

11. Admirals, being the sheriffs of the counties, as Selden, in his Mare Clausum, p. 169. 188., affirms, must be chosen as the sheriffs were, viz. in the county court. But the parliament of R. 2., folio, 29., saith, they are chosen in the parliament, the representative body of the realm, because they had the defence of the realm by sea committed unto them.

12. The captain of Calais, viz. Richard earl of Warwick, in the time of Henry 6., refused to give up his captainship of Calais unto the king because he received it in parliament. Cowel's Interpreter, in the word Parliament.

13. The Lord Chancellor, to whom is committed the great seal of England, being the publick faith of the kingdom, was in former times chosen in parliament. Lamb. Archeion, p. 48. Dan. Chronicle, p. 139. 148. 195.

14. Lord Treasurer, an officer to whom is of trust committed the treasure of the kingdom, was, in like manner, chosen in parliament.

15. Chief Justice, an officer unto whom is committed the administration of the justice of the realm, was chosen in parliament. Lamb. Archeion, p. 48. *ut suprà*.

Anno 15 Ed. 3d. The king was petitioned in parliament, that the high officers of the kingdom might, as in former times, be chosen in parliament. To which the king yielded, that they should be sworn in parliament. Dan. Chronicle, p. 195. Quære the parliament roll and petitions.

And it appeareth, by a printed statute, Anno 15 Ed 3. cap. 3., that the great officers of the kingdom were sworn to maintain Magna Charta.

16. The great council of the king and kingdom, namely, the parliament, is chosen by the commons; for they choose

the knights and citizens, and burgesses, or barons, for so the citizens were anciently called; and the cinque-ports retain that name to this day.

And this was, as I conceive, the ancientest constitution of the kingdom, for choosing of their officers.

In the next place, it will be requisite to inquire, which of these officers are now altered, and by what authority.

And first, of sheriffs. The choice of sheriffs was first taken from the freeholders by the statute of 9 Edward 2., and the choice of them committed to the lord chancellor, treasurer, the barons of the exchequer, and the justices of either bench. Cook's Magna Charta, p. 559.

This election is to be made the morrow after All-Souls-Day, in the exchequer, by statute 14 Edward 3. c. 7.

Quære 1. If they choose none at that day and place, but at some other time, whether the choice be good? Or if he be chosen by any other?

Objection. The king himself doth usually make and appoint sheriffs in every county by his prerogative.

Solution. It hath been agreed by all the judges, that the king cannot appoint any other to be sheriff, than such as are named and chosen according to the statute of Lincoln. Cook's Magna Charta, p. 559.

If so, then it is questionable whether the making of Mr. Hastings sheriff of Leicestershire be warrantable by law, or not?

Quære 2. If no sheriff be legally chosen, whether the freeholders of the county shall not choose one, as they were accustomed, before the making of the stat. of 9 Ed. 2. for these reasons.

1. If there be no sheriff legally chosen, there will be a failure of justice, which the law will not permit.

2. Because the statute is in the affirmative, and therefore doth not altogether take away their power of choosing, because affirmative statutes do not alter the common law.

Next, let us consider the choice of justices of the peace, who, as they are commissioners of the peace,

are not officers by the common law; and therefore, this case will differ in some respects from the former, it being an office created by statute.

1. I conceive that no court may be erected without the authority of parliament; for the court of first-fruits was erected by stat. 32 Henry 8. cap. 45.; the court of wards by stat. 32 Hen. 8. cap. 46.; the court of justice in Wales by stat. 34 H. 8. c. 6.; and power to erect courts given 1 Mar. ses. 2. cap. 10. And it was resolved in this parliament, at the trial of the earl of Strafford, that the court at York was against law, albeit it hath had continuance these hundred years, because it was not erected by parliament.

And justices of the peace, being judges of record, were first ordained by statute, as appeareth by 18 Ed. 3. cap. 2. and 34 Ed. 3. cap. 1.; with such other additions of power, as later statutes have given unto them.

Justices of the peace, then, having their being by virtue of the statute law, they are to be ordained in the same manner as the statutes prescribed, and not otherwise.

1. After their first institution, the statutes did leave the choice of them indefinitely in the crown, as I conceive, until the statute of 12 R. 2. 27.; which statute doth instruct the chancellor, treasurer, keeper of the privy seal, steward and chamberlain of the king's house, the clerk of the rolls, the justices of both benches, barons of the exchequer, and others, to name and make them.

2. Other statutes do appoint what persons shall be chosen to be justices of the peace; namely, such as reside in the same county where they are justices of peace, as stat. 12 R. 2. c. 10. And they must be of the most sufficient knights, esquires, and gentlemen of the same county, stat. 17 Rich. 2. 10.; and dwelling in the same county, 2 H. 5. stat. 2. cap. 1. (except lords, and justices of assizes). Upon this last statute, it may be doubted if choice may be made of any lords, and justices of assizes, which have no residence or estate in the county where they are so made justices of the peace; which, if it doth, it doth repeal all former statutes, which confine them to such persons as are of the same county; which I conceive is against their meaning, for that statute doth only

dispense with the residence of lords, and justices of assize, because men of the same county, inhabiting in the county where they are justices of peace, in regard of their other employments in the commonwealth, which necessarily requireth their absence, and so it amounteth only to a dispensation for their residency.

Objection. The common practice is, that the lord keeper doth appoint whom he pleases, and that by virtue of the statute of 18 Henry 6. cap. 1.

Solution. True ; such is the practice : but the doubt is, how warrantable his act is ? for the statute of 18 H. 6. doth give the lord chancellor (alone by himself) no other power, but in case there be no men of sufficiency in the county, and where none of twenty pounds per annum are to be found. For, in such case, he hath power to appoint such as he conceives are men most fit. But, in case there are men of sufficient estates in the county to be found, he must join with the others mentioned in the statute, viz. the treasurer, privy seal, &c., who have a joint and undivided power with him.

If this be so, then it may be doubted, whether the lord viscount Faulkland, being no peer of the realm, sir Peter Miche, sir Edward Nichols, of late put into the commission of the peace, in many counties of this kingdom, are, by the law, capable of being justices of the peace in those counties where they do not reside. *Et sic de similibus.*

Quære, also, whether a justice of the peace, being once legally chosen according to the statute before mentioned, may be put out at the pleasure of the lord keeper alone, without any just cause alledged ; for, being a justice of record, whether some matter of record must not appear to disable him ? for, being settled by law, he is to be displaced by law, and not upon displeasure or surmise.

3. A third officer is, the lieutenants in every county, in former times known (for the name only is out of use) by the name of herotoch, Lamb. Saxon Laws, fol. 136. And here will fall into debate the ordinance in parliament, about the settling of the militia of the kingdom.

The choice of these, as was formerly mentioned, was by the freeholders in the county court ; but of later times they

have exercised the same power, being appointed by the king, under the shadow of his prerogative.

First, it is to be demanded, whether the king's prerogative can take away that ancient right, which the subjects had, by law, invested in them? If so, then the king, by his prerogative, may do wrong, which is contrary to a maxim in law. Fortesque de Legibus, &c., fol. 25. If not, then whether the power of choosing a lieutenant, or herotoch, doth not yet remain in the subject, so as they may now choose one as well and by the same right they did in former times?

If freeholders of a county may yet choose, then I conceive the parliament, being the representative body of the whole kingdom, may appoint lieutenants; because they include them, or, at least, they are not excluded from such a power, no more than where the statute, giving power unto justices of peace to inquire of a riot, doth exclude the power of the king's bench; which no man will affirm. And therefore the ordinance of the militia is legal.

That the parliament hath power to make an ordinance, may be proved *à minori*. For,

If the inhabitants of a town, without any custom to enable them, may make an ordinance or bye-law, for the reparation of their church, highway, or bridge in decay, or any the like thing, being for their publick good, and upon a pecuniary pain, in case of neglect, and if it be made by the greater part, that it shall bind all within the town, as hath been agreed for law. 44 Ed. 3. fol. 19.; Cook, lib. 5. fol. 63.; the Chamberlain of London's case; Clarke's case; and Jefferyes's case; ibid. fol. 64, 65.

If a township be amerced, and the neighbours, by assent, shall assess a certain sum upon every inhabitant, and agree, that if it be not paid by such a day, that certain persons thereto assigned, shall distrain; and, in this case, the distress is lawful. Doctor *v.* Student, fol. 74. 6. cap. 9.

If a bye-law, that every one that holdeth land shall pay one penny towards the reparation of a church, and, for non-payment, shall forfeit to the churchwardens twenty shillings, be good and doth bind, as the book saith, 21 H. 7. fol. 20., holdeth.

If a town make bye-laws, and they shall bind every one of the town, if it be for the common good, as 11 H. 7. fol. 14., then by the same reason may the parliament make ordinances and bye-laws, for the common good of the kingdom, as shall bind all. For, if a town may make ordinance, much more may the knights and burgesses of the parliament, because they have their power *ad faciendum et consentiendum*; as appeareth of record under their hands and seals in chancery, in their return of their several elections for knights and burgesses.

Lastly. As every private man is, by law, bound to preserve the peace; as in case an affray be made by two, and a third man standing by shall not use his best endeavor to part them, and preserve the peace, he may be indicted and fined for it; why may not the parliament, being entrusted with the preservation of the peace of the realm, make an ordinance for the preservation of the peace in case of apparent danger?

Ordinance made in parliament, 8 Ed. 2., for the preservation of the alienation of the king's land, and fines set upon such as presume to break them. Rot. Pail. 28 H 6. Art. 29.

The judges and courts at Westminster may make an ordinance, for fees to be paid unto the clerk of their courts, and for bar fees taken by sheriff and gaolers. 21 H. 7. fol. 17.

An ordinance made in parliament, 21 Ed. 3. fol. 60., for exemption of the Abbot of Bury from the jurisdiction of the bishop of Norwich. Selden's Titles of Honor, p. 702., 12 H. 7. fol. 25.

Heyborne and Keylond's case, M. 14 Ed. 4. Rot. 60., in Banco. Reg. Crook, page 25., who had his money taken away from him by virtue of an ordinance, and was adjudged that the ordinance did bind him.

Whether an infant may be a colonel, admiral, &c.

1. None, by the intention of the law, can do knight's service, before he be twenty-one years of age. And this is the reason of wardship.

2. It is an office of trust, which may not be executed by a deputy.

3. Such an office requires personal attendance, for, otherwise, the county may be overthrown unawares, in the absence of such a governor from his charge.

D.

A Sketch of English Affairs, from the Dissolution of the third Parliament, to the raising of the King's Standard at Nottingham; from a Speech by Sir Arthur Hazlerig, on the 7th of February, 1658.

The council table bit like a serpent; the star chamber like scorpions. Two or three gentlemen could not stir out, for fear of being committed for a riot. Our souls and consciences were put on the rack by the archbishop. We might not speak of scripture, or repeat a sermon at our tables. Many godly ministers were sent to find their bed in the wilderness. The oppression was little less in the lower courts and in the special courts.

Altars were set up, and bowing to them enjoyned; pictures were placed in church windows, and images set up at Durham, and elsewhere; with many other exorbitancies introduced, both in church and state. The archbishop would not only impose on England, but on Scotland, to bring in the book of common prayer upon them. They liked it not; and, as luck would have it, they would not bear it. He prevailed with the king to raise an army to suppress them. The king prevailed with his nobles to conquer them into it He went to their country, and finding himself not able to conquer them, came back.

He called a parliament, which was named the little, or broken, parliament; disbanded not his army, but propounded that we should give him a great sum to maintain the war against Scotland. We debated it, but the consequence of our debate made him fear we would not grant it. We had, if he had suffered us to sit. Then did Strafford and his council advise him to break us and to rule arbitrarily, and that he had an army in Ireland to make it good. For this, Strafford lost his head. The king suddenly broke that parliament. I rejoice in my soul it was so. He raised the gallantest army that ever was—the flower of the gentry and nobility. The Scots raised too, and sent their declaration

into England, that by the law of God and nature they might rise up for their own preservation; and thus they came into England. At Newburn the armies met. We were worsted. God was pleased to disperse our army, and give them the day. The Scots passed Newburn, and advanced to Newcastle.

Then some of our nobles — Say, Essex, and Scroop, — humbly petitioned his majesty for a parliament. He, seeing danger, called a parliament. This was the long parliament. The first proposition was to raise money for the Scots. We gave them a brotherly assistance of 300,000*l*. They shewed themselves brethren and honest men, and peaceably returned. Then money was pressed for our own army. The house, considering how former parliaments had been dealt with, was unwilling to raise money till the act was passed, not to dissolve the parliament but by their own consent. It passed freely by king, lords, and commons. This was wonderful; the very hand of God that brought it to pass; for no man could then foresee the good that act produced.

The king then practised with the Scots, then with his army, to assist him against this parliament, and to make them sure to his particular interest. Sir John Conyers discovered it, to his everlasting fame. Mr. Pym acquainted the house. Divers officers of the army — lord Goring, Ashburnham, Pollard, and others — were examined here. They all absented. The house desired of the king, that they might be brought to justice; but the king sent them away beyond sea.

The king demanded five members, by his attorney-general He then came personally to the house, with five hundred men at his heels, and sat in your chair. It pleased God to hide those members. I shall never forget the kindness of that great lady, the lady Carlisle, that gave timely notice. Yet some of them were in the house after the notice came. It was questioned if, for the safety of the house, they should be gone; but the debate was shortened, and it was thought fit for them, in discretion, to withdraw. Mr. Hampden and myself being then in the house, withdrew. Away we went. The king immediately came in, and was in the house before we got to the water.

The queen, on the king's return, raged and gave him an unhandsome name, "poltroon," for that he did not take others out; and certain if he had, they would have been killed at the door.

Next day the king went to the city. They owned the members. Thereupon he left the parliament, and went from step to step, till he came to York, and set up his standard at Nottingham, and declared the militia was in him.

F·om the diary of Thomas Burton, esq.

E.

A Declaration and Vindication of John Pym, Esq.

It is not unknown to the world (especially to the inhabitants in and about London), with what desperate and fame-wounding aspersions my reputation, and the integrity of my intentions to God, my king, and my country, hath been invaded by the malice and fury of malignants, and ill-affected persons to the good of the commonwealth; some charging me to have been the promoter and patronizer of all the innovations which have been obtruded upon the ecclesiastical government of the church of England; others, of more spiteful and exorbitant spirits, alledging, that I have been the man who have begot and fostered all the so lamented distractions which are now rife in this kingdom. And though such calumnies are ever more harmful to the authors than to those whom they strive to wound with them, when they arrive only to the censure of judicious persons, who can distinguish forms, and see the difference betwixt truth and falsehood; yet, because the scandals inflicted upon my innocence have been obvious to people of all conditions, many of which may entertain a belief of those reproachful reports, though in my own soul I am far above such ignominies, and so was once resolved to have waved them, as unworthy my notice, — yet at last, for the assertion of my integrity, I concluded to declare myself in this matter, that all the world, but such as will not be convinced, either by reason or truth, may bear testimony of

my innocency. To pass by, therefore, the earl of Strafford's business, in which some have been so impudent as to charge me of too much partiallity and malice, I shall declare myself fully concerning the rest of their aspersions; namely, that I have promoted and fomented the differences now abounding in the English church.

How unlikely this is, and improbable, shall, to every indifferent man, be quickly rendred perspicuous. For that I am, and ever was, and so will die, a faithful son of the protestant religion, without having the least relation in my belief, to those gross errors of Anabaptism, Brownism, and the like, every man that hath any acquaintance with my conversation can bear me righteous witness. These being but aspersions cast upon me by some of the discontented clergy, and their factors and abettors; because they might perhaps conceive that I had been a main instrument in extenuating the haughty power and ambitious pride of the bishops and prelates. As I only delivered my opinion as a member of the house of commons, that attempt or action of mine had been justifiable, both to God and a good conscience; and had no way concluded me guilty of a revolt from the orthodox doctrine of the church of England, because I sought a reformation of some gross abuses crept into the government, by the cunning and perverseness of the bishops and their substitutes;—for was it not high time to seek to regulate their power, when, instead of looking to the cure of men's souls (which is their genuine office), they inflicted punishment on men's bodies, banishing them to remote and desolate places, after stigmatizing their faces, only for the testimony of a good conscience?—when, not contented with those insufferable insolencies, they sought to bring in unheard-of canons into the church—Arminian or papistical ceremonies (whether you please to term them—there is not much difference)—imposing burdens upon men's consciences, which they were not able to bear, and introducing the old abolished superstition of bowing to the altar? If it savoured either of Brownism or Anabaptism, to endeavour to suppress the growth of those Romish errors, I appeal to any equal-minded protestant, either for my judge or witness. Nay, had the attempts of the bishops desisted here, tolerable

they had been, and their power not so much questioned, as since it hath: but when they saw the honourable the high court of parliament had begun to look into their enormities and abuses; beholding how they wrested religion like a waxen nose, to the furtherance of their ambitious purposes; then Troy was taken in—then they began to despair of holding any longer their usurped authority! and therefore, as much as in them lay, both by public declarations and private councils, they laboured to foment the civil differences between his majesty and his parliament, abetting the proceedings of the malignants with large supplies of men and money, and stirring up the people to tumults by their seditious sermons.

Surely, then, no man can account me an ill son of the commonwealth, if I delivered my opinion, and passed my vote freely for their abolishment; which may, by the same equity, be put in practice by this parliament, as the dissolution of monasteries, and their lazy inhabitants, the monks and fryars, were in Henry the Eighth's time. For, without dispute, these carried as much reputation in the kingdom then, as bishops have done in it since; and yet a parliament then had power to put them down. Why, then, should not a parliament have power to do the like to these, every way guilty of as many offences against the state as the former? For my own part I attest God Almighty, the knower of all hearts, that neither envy, or any private grudge, to all or any of the bishops hath made me averse to their functions; but merely my zeal to religion and God's cause, which I perceived to be trampled under foot by the too extended authority of the prelates, who according to the purity of their institution, should have been men of upright hearts and humble minds, shearing their flocks, and not flaying them.

And whereas some will allege, it is no good argument to dissolve the function of bishops, because some bishops are vitious; to that I answer, since the vice of these bishops was derivative from the authority of their function, it is very fitting the function, which is the cause thereof, be corrected, and its authority divested of its borrowed feathers; otherwise it is impossible, but the same power which made these present bishops (should the episcopal and prelatical dignity continue in

its ancient height and vigour) so proud and arrogant, would infuse the same vices into their successors.

But this is but a mole-hill to that mountain of scandalous reports that have been inflicted on my integrity to his majesty: some boldly avering me for the author of the present distractions between his majesty and his parliament; when I take God, and all that know my proceedings, to be my vouchers, that I neither directly nor indirectly ever had a thought tending to the least disobedience or disloyalty to his majesty, whom I acknowledge my lawful king and sovereign, and would expend my blood as soon in his service, as any subject he hath. 'Tis true, when I perceived my life aimed at, and heard myself proscribed a traitor, merely for my intireness of heart to the service of my country; when I was informed, that I, with some other honourable and worthy members of the parliament, were, against the priviledges thereof, demanded, even in the parliament house, by his majesty, attended by a multitude of men at arms and malignants, who, I verily believe, had, for some ill ends of their own, persuaded his majesty to that excess of rigour against us;—when for my own part (my conscience is to me a thousand witnesses in that behalf) I never harboured a thought which tendered to any disservice to his majesty, nor ever had any intention prejudicial to the state;—when, I say, notwithstanding my own innocence, I saw myself in such apparent danger, no man will think me blame worthy, in that I took a care of my own safety, and fled for refuge to the protection of the parliament: which, making my case their own, not only purged me and the rest of the guilt of high treason, but also secured our lives from the storm that was ready to burst out upon us.

And if this hath been the occasion that hath withdrawn his majesty from the parliament, surely the fault can no way be imputed to me, or any proceeding of mine, which never went further, either since his majesty's departure, nor before then, so far as they were warranted by the known laws of the land, and authorized by the indisputable and undeniable power of the parliament. So long as I am secure in my own conscience that this is truth, I account myself above all their calumnies and falsehoods, which shall return upon themselves,

and not wound my reputation in good and impartial men's opinions.

But in that devilish conspiracy of Cataline, against the state and senate of Rome, none among the senators was so obnoxious to the envy of the conspirators, or liable to their traducements, as that orator and patriot of his country, Cicero, because by his council and zeal to the commonwealth, their plot for the ruine thereof was discovered and prevented. Though I will not be so arrogant, to parallel myself with that worthy, yet my case (if we may compare lesser things with great) hath to his a very near resemblance. The cause that I am so much maligned and reproached by ill affected persons being, because I have been forward in advancing the affairs of the kingdom, and have been taken notice of for that forwardness: they, out of their malice, converting that to a vice, which, without boast be it spoken, I esteem as my principal vertue,—my care to the public utility. And since it is for that cause that I suffer these scandals, I shall endure them with patience; hoping that God in his great mercy will at last reconcile his majesty to his high court of parliament; and then I doubt not, but to give his royal self (though he be much incensed against me) a sufficient account of my integrity. In the interim, I hope the world will believe that I am not the first innocent man that hath been injured, and so will suspend their further censures of me.

F.

A Narrative of the Disease and Death of that noble Gentleman John Pym, Esquire, late a Member of the honourable House of Commons, attested under the Hands of his Physicians, Chyrurgions, and Apothecary.

Forasmuch as there are divers uncertaine reports and false suggestions spred abroad, touching the disease and death of that noble gentleman John Pym, esquire, late a member of

the honourable house of commons, it is thought fit (for the undeceiving of some, and prevention of misconstruction and suspitions in others) to manifest to those who desire information, the true cause of his lingring disease and death; as it was discovered (while he lived) by his physitians, and manifested to the view both of them and many others, that were present at the dissection of his bodie after his death. For the skin of his body, it was without so much as any roughness, scarr, or scab; neither was there any breach either of the scarfe or true skin, much lesse any *phthiriasis* or lousie disease, as was reported. And as for that suggestion of his being poysoned, there appeared to the physitians no signe thereof upon the view of his body; neither was there any exhorbitant symptome (while he lived), either in his animall, vitall, or naturall parts: for he had his intellectuals and senses very entire to the last, and his sleep for the most part very sufficient and quiet. As for the vitall parts, they were all found very sound, and (while he lived) they were perfect in their actions and uses. And as for the naturall parts contained in the lower belly, they did not otherwise suffer than from that large imposthume that was there contained; the stomack being smooth and faire in all its coates; the liver and kidnies good enough, only much altered in their color; the spleen fair, but little. But the most ignoble part of this lower belly, the *mesentry*, was found *fundi calamitas*, the shop wherein the instrument of his dissolution was forged; there being a large absceesse or imposthume which wrought itselfe to such a bulke, as was easily discovered by the outward touch of his physitians at the beginning of his complaining, and did increase to that capacity, as being opened) it did receive a hand contracted, and in it's growth did so oppresse the gall and stop its vessels, as occasioned the jaundice. Beside this abscesse (by the matter contained in it) did so offend the parts adjacent, as most of them suffered by its vicinity, yet without any such turbulent symptome, as did at any time cause him to complaine of paine; being sensible only of some sorenesse upon the touch of the region of the part affected; and from its vapours the stomack suffered a continuall inappetency and frequent nauseousnes, and it did so deprave and hinder the concoction, distribution, and

perfection of nourishment, that it produced an *atrophy* or falling of the flesh. So thatt inappetency, faintnesse, and nauseousnesse, were the great complaints he usually made. At last after a long languishment, this imposthume breaking, he often fainted; and soon after followed his dissolution, December the 8th, 1643, about 7 a clocke at night.

Attested by the physitians that attended him in his sicknes,—

Sir Theodore Mayern,

Dr. Clerk,

Dr. Mfrevell, President of the colledge of phytitians,

Dr. Gifford,
Dr. Mickleththwait,
Dr. Moulin,
Dr. Colladf,
} that were present at the dissection of his body (together with two of those above mentioned).

And Chyrurgions.

Thomas Allen, and

Henry Axtall, his servant.

Apothecary.

John Chapman, servant to William Taylor.

END OF THE THIRD VOLUME.

London
Printed by A. Spottiswoode
New-Street-Square

THE

CABINET OF BIOGRAPHY.

CONDUCTED BY THE

REV. DIONYSIUS LARDNER, LL.D. F.R.S. L. & E.

M R I A. F.R.A S. F.L.S. F.Z.S. Hon. F.C P.S. &c. &c.

ASSISTED BY

EMINENT LITERARY MEN.

EMINENT BRITISH STATESMEN.

VOL. III.

BY JOHN FORSTER, ESQ.

OF THE INNER TEMPLE.

LONDON:

PRINTED FOR

LONGMAN, REES, ORME, BROWN, GREEN, & LONGMAN,

PATERNOSTER-ROW;

AND JOHN TAYLOR,

UPPER GOWER STREET.

1837.

LONDON:
Printed by A. SPOTTISWOODE,
New-Street-Square.